EXHIBIT "A"

Transcript of the Testimony of: **FELISHATAY ALVARADO**

Date: August 11, 2023

Case: FELISHATAY ALVARADO v. CITY OF PHILADELPHIA

DIAMOND COURT REPORTING 406 REDBUD LANE MANTUA, NEW JERSEY 08051 856-589-1107 dcr.diamond@comcast.net

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al. : NO. 22-3763	11
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	Disjutiff 1 Colon Photocomy of Photocomy 02
Oral Deposition of FELISHATAY ALVARADO,	Plaintiff-1 Color Photocopy of Photograph 92
taken at the Law Offices of Victims' Recovery Law	Plaintiff-2 Responses to Interrogatories 92
Center, The North American Building, 121 South Broad Street, Suite 1800, Philadelphia,	15
Pennsylvania 19107, on the above date, beginning	Plaintiff-3 Color Photocopy of Photograph 92
at approximately 12:54 a.m., before Douglas S. Diamond, Certified Court Reporter and Notary	Digintiff 4 Color Photograph 02
Public in and for the Commonwealth of Pennsylvania	Plaintiff-4 Color Photocopy of Photograph 92
and the State of New Jersey, there being present.	18
DIAMOND COLUDE DEDODERNO	19
DIAMOND COURT REPORTING 406 Redbud Lane	20
Mantua, New Jersey 08051	21
(856) 589-1107	22 23
e-mail: dcr.diamond@comcast.net	24
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1 APPEARANCES:	1
2 VICTIMS' RECOVERY LAW CENTER	2 (It was stipulated by and between
BY: KEITH T. WEST, ESQUIRE	
3 THE NORTH AMERICAN BUILDING 121 SOUTH BROAD STREET	3 counsel that signing, sealing, 4 certification and filing be waived; and
4 SUITE 1800	_
PHILADELPHIA, PENNSYLVANIA 19107	J,,
5 Counsel for the Plaintiff Tel. (215) 546-1433	1
6 E-mail: keith@victimrecoverylaw.com	•
7 *****	
8 CITY OF PHILADELPHIA LAW DEPARTMENT BY: ADAM R. ZURBRIGGEN, ESQUIRE	9 MR. WEST: We have a mutual
9 ONE PARKWAY BUILDING	agreement, but we'll reserve all
1515 ARCH STREET	objections other than objections to the
10 PHILADELPHIA, PENNSYLVANIA 19102 Counsel for the Defendants	12 form of the question until the time of 13 trial. Great.
11 Tel. (215) 683-5114	
E-mail: adam.zurbriggen@phila.gov	14 MR. ZURBRIGGEN: That's good to
12 *****	15 hear.
13	16
14	17 FELISHATAY ALVARADO, having been
15 16	duly sworn, as a witness, was examined
17	19 and testified as follows
18	20
19 20	21 EXAMINATION
21	22
22	23 BY MR. ZURBRIGGEN:
23 24	Q. Good afternoon, Ms. Alvarado. We
- -	

	Page 5		Page 7
1	were introduced off the record, but I'll just say	1	question to you already pending, if you would just
2	again my name is Adam Zurbriggen. I represent the	2	answer before we take any break.
3	City of Philadelphia and the other defendant	3	Is that all right?
4	individual police officers in this case.	4	A. Yes.
5	Have you ever given a civil	5	Q. And then, also, I know a lot of the
6	deposition before?	6	issues you and I talk about today are sensitive
7	A. No.	7	and can be upsetting. I apologize about that in
8	Q. Okay. I'm going to go over just a	8	advance. I really promise I don't want to make
9	few ground rules just to let you know how things	9	you uncomfortable in any way. So if you need to
10	are going to go. First of all, because there's a	10	take a break or pause, that's completely fine. I
11	court reporter here taking down everything that we	11	want you to be comfortable. Okay?
12	say, even though in a normal conversation we might	12	A. Yes.
13	not verbalize our answers, we might respond uh-huh	13	Q. And, finally, and I don't mean to
14	or un-unh or shake the head, I need you here, if	14	imply anything by this, but it's just something I
15	you would, please to verbalize all of your answers	15	have to ask.
16	yes or no.	16	Are you under the influence of any
17	Is that okay?	17	medication or is there any other reason why you
18	A. Yes.	18	can't testify truthfully today?
19	Q. And often times I will ask a	19	A. No.
20	question that may be very long and not	20	Q. All right. Ms. Alvarado, what's
21	comprehensible. I do that all the time. So,	21	your current date of birth?
22	please, if you don't understand anything I ask,	22	I'm sorry, not your current.
23	feel free, 100 percent free, to say I don't	23	What is your date of birth?
24	understand, could you please restate the question.	24	A. 12-1-89.
	Daga 6	1	
	Page 6		Page 8
1	Is that understood and okay?	1	Q. 12-1-89.
2	Is that understood and okay? A. Yes.	2	Q. 12-1-89. Your sister's name is Yara
2	Is that understood and okay? A. Yes. Q. Okay. Also, because the court	2	Q. 12-1-89. Your sister's name is Yara Alvarado?
2 3 4	Is that understood and okay? A. Yes. Q. Okay. Also, because the court reporter is taking down everything that we say	2 3 4	Q. 12-1-89. Your sister's name is Yara Alvarado? A. Yes.
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2 3 4 5 6 7	Is that understood and okay? A. Yes. Q. Okay. Also, because the court reporter is taking down everything that we say today, it's very important that we not speak over each other. So I might be asking a question and you kind of know where I'm starting to go, but,	2 3 4 5 6 7	Q. 12-1-89. Your sister's name is Yara Alvarado? A. Yes. Q. And she's your legal guardian; if you know? A. No.
2 3 4 5 6 7 8	Is that understood and okay? A. Yes. Q. Okay. Also, because the court reporter is taking down everything that we say today, it's very important that we not speak over each other. So I might be asking a question and you kind of know where I'm starting to go, but, please, if you would, just let me get my entire	2 3 4 5 6 7 8	Q. 12-1-89. Your sister's name is Yara Alvarado? A. Yes. Q. And she's your legal guardian; if you know? A. No. Q. To your knowledge, do you have a
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	Page 9		Page 11
1	A. Fox Chase.	1	CRC, had you been employed before that?
2	Q. Fox Chase.	2	A. No.
3	And how long have you been employed	3	Q. Okay. Before that, Ms. Alvarado,
4	as a home health aide at Fox Chase?	4	were you on disability?
5	A. Three months.	5	A. Yes.
6	Q. Prior to that, had you ever been	6	Q. Have you been on disability at all
7	employed?	7	since the incident?
8	A. Yes.	8	A. Yes.
9	Q. What was the last employment that	9	Q. Are you still currently on
10	you had prior to Fox Chase?	10	disability?
11	A. The day of the accident.	11	A. Yes.
12	Q. Where were you working the day of	12	Q. Okay. I'll come back to that a
13	the sorry, let me clarify.	13	little bit later. I want to ask you first about
14	By accident you're referring to the	14	the apartment, 4664 Torresdale Avenue.
15	date in June 2021 when your dog was shot?	15	You were living there on the date
16	A. Yes.	16	of the incident, June 4th of 2021; correct?
17	Q. Thank you.	17	A. Yes.
18	And where were you employed that	18	Q. And, specifically, you were living
19	day?	19	in a first-floor apartment in that at that
20	A. CRC.	20	building?
21	Q. And do you know what is CRC?	21	A. Yes.
22	A. A warehouse.	22	Q. And you first moved into that
23	Q. And is that in Philadelphia?	23	apartment in March of 2021; is that right?
24	A. It's like Pennsylvania.	24	A. Yes.
	1.11 200 21110 2 021110 37 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		11. 103.
	Page 10		Page 12
1	Q. But you're not sure what	1	Q. Okay. Where were you living
2	A. I'm not too I know it's in	2	immediately prior to moving into that building?
3	Philadelphia, but it's like, yeah, Philadelphia.	3	A. With my sister.
4	Q. Okay. And what did you do at CRC?	4	Q. And do you know your sister's
5	A. Picker.	5	address at that time?
6	Q. I'm sorry, a picker?	6	A. Yes.
7	A. A picker.	7	Q. What was that address?
8	Q. And what is a picker?	8	A. 4723 Torresdale Avenue.
9	A. Where an item will come in and then	9	Q. And that's nearby the building at
10	I would have to go get it.	10	4664 Torresdale; correct?
11	Q. Okay. How long were you employed	11	A. Yes.
12	at CRC?	12	Q. About how far?
13	A. I think maybe a month.	13	A. Diagonally, if I'm standing in
14	Q. And you said that you were employed	14	front of the door I can see her house.
15	there on the date of the incident?	15	Q. Okay. One other instruction, I
16	A. I was, yeah, but from the whole	16	guess, I should have given before we started. But
17	like, yes, I was.	17	just to remind, you know, there may be questions I
18	Q. Do you recall when you stopped, was	18	ask that might not know or might not know the
19	it a month after the incident?	19	answer to. It's perfectly okay to say I don't
20	A. I got fired.	20	know the answer. The one kind of exception to
21	Q. Okay. And that was about how long,	21	that is I might ask you to estimate sometimes in
22	if you know, after the incident was that?	22	terms of time, minutes, hours, days or in terms of
23	A. Two weeks.	23	distances, feet. If you can give a reasonable
24	Q. Okay. Prior to your working with	24	estimate, please do, but I don't want you to guess

	Page 13		Page 15
1	or speculate. So feel free to say I really don't	1	Q. What's your cousin's name?
2	know.	2	A. Lucy Ortiz.
3	But going back to the distance	3	Q. And where does Lucy live now, is
4	between your and your sister is Yara; right?	4	Lucy still in Philadelphia?
5	A. Yes.	5	A. Yes.
6	Q. So going back in terms of the	6	Q. Do you know Lucy's address?
7	distance between Yara's residence and 4664	7	A. No.
8	Torresdale, it was about a few minutes walk; is	8	Q. But just to confirm, you don't have
9	that right?	9	a copy of your lease agreement when you were at
10	A. Yes.	10	4664 Torresdale anymore; correct?
11	Q. Okay. How long had you been living	11	A. Yes.
12	with Yara before you moved into the apartment at	12	Q. Okay. You mentioned the landlord
13	4664 Torresdale?	13	at your landlord at 4664 Torresdale.
14	A. Two months.	14	Do you recall the landlord's name?
15	Q. And where were you living prior to	15	A. There was yes.
16	Yara's apartment before the incident?	16	Q. What was who was the landlord?
17	A. In my own apartment.	17	A. Leo.
18	Q. And where was that apartment, do	18	Q. And is that Leo Pajo that you
19	you remember the address?	19	identified in the Interrogatory Responses?
20	A. Roosevelt Boulevard. It was 4021	20	A. Yes.
21	Roosevelt Boulevard.	21	Q. And then you also identified, I
22	Q. And was that an apartment or a	22	believe, a Mirela Pajo.
23	house?	23	Do you know Mirela Pajo?
24	A. An apartment.	24	A. His wife.
	2 14		
	Page 14		Page 16
1	Page 14	1	Page 16
1	Q. And how long had you been living	1 2	Q. Leo's wife.
2	Q. And how long had you been living there, how long did you live there total; if you	2	Q. Leo's wife. Before moving into the apartment at
2 3	Q. And how long had you been living there, how long did you live there total; if you can estimate?	2 3	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela,
2 3 4	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year.	2 3 4	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally?
2 3	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664	2 3	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No.
2 3 4 5	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of	2 3 4 5	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord
2 3 4 5 6	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with for	2 3 4 5 6	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property?
2 3 4 5 6 7	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of	2 3 4 5 6 7	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes.
2 3 4 5 6 7 8	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with — for that apartment?	2 3 4 5 6 7 8	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes.
2 3 4 5 6 7 8 9	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with — for that apartment? And if you don't know, that's okay. A. No.	2 3 4 5 6 7 8 9	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes. Q. When you were at your previous
2 3 4 5 6 7 8 9	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with — for that apartment? And if you don't know, that's okay. A. No.	2 3 4 5 6 7 8 9	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes. Q. When you were at your previous property, did you interact with Leo or Mirela at
2 3 4 5 6 7 8 9 10	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with for that apartment? And if you don't know, that's okay. A. No. Q. And let me ask you. I think I read	2 3 4 5 6 7 8 9 10 11	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes. Q. When you were at your previous property, did you interact with Leo or Mirela at all?
2 3 4 5 6 7 8 9 10 11	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with — for that apartment? And if you don't know, that's okay. A. No. Q. And let me ask you. I think I read in your Responses to Interrogatories that you had	2 3 4 5 6 7 8 9 10 11 12	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes. Q. When you were at your previous property, did you interact with Leo or Mirela at all? A. No.
2 3 4 5 6 7 8 9 10 11 12 13	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with — for that apartment? And if you don't know, that's okay. A. No. Q. And let me ask you. I think I read in your Responses to Interrogatories that you had assumed a lease from your cousin.	2 3 4 5 6 7 8 9 10 11 12 13	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes. Q. When you were at your previous property, did you interact with Leo or Mirela at all? A. No. Q. If you needed things at your
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with — for that apartment? And if you don't know, that's okay. A. No. Q. And let me ask you. I think I read in your Responses to Interrogatories that you had assumed a lease from your cousin. Does that sound right?	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes. Q. When you were at your previous property, did you interact with Leo or Mirela at all? A. No. Q. If you needed things at your previous property like maintenance or anything,
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with for that apartment? And if you don't know, that's okay. A. No. Q. And let me ask you. I think I read in your Responses to Interrogatories that you had assumed a lease from your cousin. Does that sound right? A. Yes, but it was the same landlord	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes. Q. When you were at your previous property, did you interact with Leo or Mirela at all? A. No. Q. If you needed things at your previous property like maintenance or anything, did you contact anyone else specifically at that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with — for that apartment? And if you don't know, that's okay. A. No. Q. And let me ask you. I think I read in your Responses to Interrogatories that you had assumed a lease from your cousin. Does that sound right? A. Yes, but it was the same landlord that I had in my other apartment.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes. Q. When you were at your previous property, did you interact with Leo or Mirela at all? A. No. Q. If you needed things at your previous property like maintenance or anything, did you contact anyone else specifically at that previous property?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with — for that apartment? And if you don't know, that's okay. A. No. Q. And let me ask you. I think I read in your Responses to Interrogatories that you had assumed a lease from your cousin. Does that sound right? A. Yes, but it was the same landlord that I had in my other apartment. Q. So the landlord for 4664 Torresdale	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes. Q. When you were at your previous property, did you interact with Leo or Mirela at all? A. No. Q. If you needed things at your previous property like maintenance or anything, did you contact anyone else specifically at that previous property? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with for that apartment? And if you don't know, that's okay. A. No. Q. And let me ask you. I think I read in your Responses to Interrogatories that you had assumed a lease from your cousin. Does that sound right? A. Yes, but it was the same landlord that I had in my other apartment. Q. So the landlord for 4664 Torresdale was the same as your previous apartment.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes. Q. When you were at your previous property, did you interact with Leo or Mirela at all? A. No. Q. If you needed things at your previous property like maintenance or anything, did you contact anyone else specifically at that previous property? A. Yes. Q. Who was that; if you remember?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with — for that apartment? And if you don't know, that's okay. A. No. Q. And let me ask you. I think I read in your Responses to Interrogatories that you had assumed a lease from your cousin. Does that sound right? A. Yes, but it was the same landlord that I had in my other apartment. Q. So the landlord for 4664 Torresdale was the same as your previous apartment. Was that the one at 4021 Roosevelt?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes. Q. When you were at your previous property, did you interact with Leo or Mirela at all? A. No. Q. If you needed things at your previous property like maintenance or anything, did you contact anyone else specifically at that previous property? A. Yes. Q. Who was that; if you remember? A. Arvin.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with — for that apartment? And if you don't know, that's okay. A. No. Q. And let me ask you. I think I read in your Responses to Interrogatories that you had assumed a lease from your cousin. Does that sound right? A. Yes, but it was the same landlord that I had in my other apartment. Q. So the landlord for 4664 Torresdale was the same as your previous apartment. Was that the one at 4021 Roosevelt? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes. Q. When you were at your previous property, did you interact with Leo or Mirela at all? A. No. Q. If you needed things at your previous property like maintenance or anything, did you contact anyone else specifically at that previous property? A. Yes. Q. Who was that; if you remember? A. Arvin. Q. And is that Arvin Marroli, the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with — for that apartment? And if you don't know, that's okay. A. No. Q. And let me ask you. I think I read in your Responses to Interrogatories that you had assumed a lease from your cousin. Does that sound right? A. Yes, but it was the same landlord that I had in my other apartment. Q. So the landlord for 4664 Torresdale was the same as your previous apartment. Was that the one at 4021 Roosevelt? A. Yes. Q. But it's correct that you assumed a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes. Q. When you were at your previous property, did you interact with Leo or Mirela at all? A. No. Q. If you needed things at your previous property like maintenance or anything, did you contact anyone else specifically at that previous property? A. Yes. Q. Who was that; if you remember? A. Arvin. Q. And is that Arvin Marroli, the person identified in the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And how long had you been living there, how long did you live there total; if you can estimate? A. A year. Q. Okay. Going back to 4664 Torresdale, when you moved in there in March of 2021, did you have a lease agreement with for that apartment? And if you don't know, that's okay. A. No. Q. And let me ask you. I think I read in your Responses to Interrogatories that you had assumed a lease from your cousin. Does that sound right? A. Yes, but it was the same landlord that I had in my other apartment. Q. So the landlord for 4664 Torresdale was the same as your previous apartment. Was that the one at 4021 Roosevelt? A. Yes. Q. But it's correct that you assumed a lease from that your cousin had at that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Leo's wife. Before moving into the apartment at 4664 Torresdale, did you know Leo and Mirela, personally? A. No. Q. You just knew them as the landlord for your previous property? A. Yes. Q. When you were at your previous property, did you interact with Leo or Mirela at all? A. No. Q. If you needed things at your previous property like maintenance or anything, did you contact anyone else specifically at that previous property? A. Yes. Q. Who was that; if you remember? A. Arvin. Q. And is that Arvin Marroli, the person identified in the A. Yes.

	Page 17		Page 19
1	A. Yes.	1	marked 4664; do you see that?
2	Q. Did you know Arvin Marroli	2	A. Yes.
3	personally other than through being a property	3	Q. Is that the way that it was marked
4	manager for those two properties?	4	when you first moved into 4664 Torresdale in March
5	A. Yes.	5	of 2021?
6	Q. How did you know Arvin?	6	A. No.
7	A. He was my landlord for the	7	Q. How was it different?
8	apartment on Roosevelt.	8	A. I put the numbers because it didn't
9	Q. Okay. And so if you needed	9	have an address.
10	maintenance or anything else with regards to your	10	Q. So when you first moved in to 4664
11	apartment at 4664 Torresdale, would you contact	11	Torresdale in March 2021 those four numbers did
12	Arvin for that?	12	not appear there?
13	A. Yes.	13	A. Not as bold. They were like
14	Q. And was that true until you left	14	fading, so I
15	4664 Torresdale or was there anyone else who was	15	Q. I understand.
16	ever a property manager at that address?	16	So there was the numbers 4664
17	A. No.	17	there, but they were fading?
18	Q. Okay.	18	A. Uh-huh, yes.
19	A. You're asking if Arvin was the	19	Q. And then I want to direct your
20	property manager at that address at 4664?	20	attention to the two white mailboxes just to the
21	Q. I am asking is there any other	21	left of the front door.
22	person other than Arvin who was ever your property	22	Do you see those, Ms. Alvarado?
23	manager at 4664 Torresdale, any other property	23	A. Yes.
24	managers at that address?	24	Q. Do you recall whether these
	Page 18		Page 20
1			
1	A. No.	1	mailboxes had markings when you first moved into
2	Q. Okay. Ms. Alvarado, I want to ask	2	mailboxes had markings when you first moved into that apartment?
2 3	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the	2 3	that apartment? A. Yes.
2 3 4	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked	2 3 4	that apartment? A. Yes. Q. How were they marked?
2 3 4 5	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in.	2 3 4 5	that apartment? A. Yes. Q. How were they marked? A. The way they are now.
2 3 4 5 6	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front	2 3 4 5 6	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this
2 3 4 5 6 7	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front door when you first moved into 4664 Torresdale	2 3 4 5 6 7	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this picture a little one on one of the mailboxes and a
2 3 4 5 6 7 8	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front door when you first moved into 4664 Torresdale Avenue in terms of writing?	2 3 4 5 6 7 8	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this picture a little one on one of the mailboxes and a little two?
2 3 4 5 6 7 8	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front door when you first moved into 4664 Torresdale Avenue in terms of writing? A. Yes.	2 3 4 5 6 7 8 9	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this picture a little one on one of the mailboxes and a little two? A. Yes.
2 3 4 5 6 7 8 9	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front door when you first moved into 4664 Torresdale Avenue in terms of writing? A. Yes. Q. What was that?	2 3 4 5 6 7 8 9	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this picture a little one on one of the mailboxes and a little two? A. Yes. Q. And so you didn't modify any of the
2 3 4 5 6 7 8 9 10	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front door when you first moved into 4664 Torresdale Avenue in terms of writing? A. Yes. Q. What was that? A. The address.	2 3 4 5 6 7 8 9 10	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this picture a little one on one of the mailboxes and a little two? A. Yes. Q. And so you didn't modify any of the markings on those mailboxes when you moved in?
2 3 4 5 6 7 8 9 10 11	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front door when you first moved into 4664 Torresdale Avenue in terms of writing? A. Yes. Q. What was that? A. The address. Q. I'm going to show you, and I'm	2 3 4 5 6 7 8 9 10 11	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this picture a little one on one of the mailboxes and a little two? A. Yes. Q. And so you didn't modify any of the markings on those mailboxes when you moved in? A. No.
2 3 4 5 6 7 8 9 10 11 12 13	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front door when you first moved into 4664 Torresdale Avenue in terms of writing? A. Yes. Q. What was that? A. The address. Q. I'm going to show you, and I'm going to mark — I'm going to mark this photograph	2 3 4 5 6 7 8 9 10 11 12 13	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this picture a little one on one of the mailboxes and a little two? A. Yes. Q. And so you didn't modify any of the markings on those mailboxes when you moved in? A. No. Q. And you didn't modify those until
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front door when you first moved into 4664 Torresdale Avenue in terms of writing? A. Yes. Q. What was that? A. The address. Q. I'm going to show you, and I'm going to mark I'm going to mark this photograph Plaintiff's Exhibit-1.	2 3 4 5 6 7 8 9 10 11 12 13 14	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this picture a little one on one of the mailboxes and a little two? A. Yes. Q. And so you didn't modify any of the markings on those mailboxes when you moved in? A. No. Q. And you didn't modify those until you left, or you didn't modify those at any time,
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front door when you first moved into 4664 Torresdale Avenue in terms of writing? A. Yes. Q. What was that? A. The address. Q. I'm going to show you, and I'm going to mark — I'm going to mark this photograph Plaintiff's Exhibit-1. MR. ZURBRIGGEN: And, for the	2 3 4 5 6 7 8 9 10 11 12 13 14	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this picture a little one on one of the mailboxes and a little two? A. Yes. Q. And so you didn't modify any of the markings on those mailboxes when you moved in? A. No. Q. And you didn't modify those until you left, or you didn't modify those at any time, I should say?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front door when you first moved into 4664 Torresdale Avenue in terms of writing? A. Yes. Q. What was that? A. The address. Q. I'm going to show you, and I'm going to mark — I'm going to mark this photograph Plaintiff's Exhibit-1. MR. ZURBRIGGEN: And, for the record, this is a document Bates Stamped	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this picture a little one on one of the mailboxes and a little two? A. Yes. Q. And so you didn't modify any of the markings on those mailboxes when you moved in? A. No. Q. And you didn't modify those until you left, or you didn't modify those at any time, I should say? A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front door when you first moved into 4664 Torresdale Avenue in terms of writing? A. Yes. Q. What was that? A. The address. Q. I'm going to show you, and I'm going to mark — I'm going to mark this photograph Plaintiff's Exhibit-1. MR. ZURBRIGGEN: And, for the record, this is a document Bates Stamped D-80. And I've got a copy for you.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this picture a little one on one of the mailboxes and a little two? A. Yes. Q. And so you didn't modify any of the markings on those mailboxes when you moved in? A. No. Q. And you didn't modify those until you left, or you didn't modify those at any time, I should say? A. No. Q. Okay. Ms. Alvarado, at any time
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front door when you first moved into 4664 Torresdale Avenue in terms of writing? A. Yes. Q. What was that? A. The address. Q. I'm going to show you, and I'm going to mark I'm going to mark this photograph Plaintiff's Exhibit-1. MR. ZURBRIGGEN: And, for the record, this is a document Bates Stamped D-80. And I've got a copy for you. BY MR. ZURBRIGGEN:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this picture a little one on one of the mailboxes and a little two? A. Yes. Q. And so you didn't modify any of the markings on those mailboxes when you moved in? A. No. Q. And you didn't modify those until you left, or you didn't modify those at any time, I should say? A. No. Q. Okay. Ms. Alvarado, at any time before the incident in June of 2021, did you ever
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front door when you first moved into 4664 Torresdale Avenue in terms of writing? A. Yes. Q. What was that? A. The address. Q. I'm going to show you, and I'm going to mark I'm going to mark this photograph Plaintiff's Exhibit-1. MR. ZURBRIGGEN: And, for the record, this is a document Bates Stamped D-80. And I've got a copy for you. BY MR. ZURBRIGGEN: Q. And, Ms. Alvarado, is this the way first of all, can you see the writing on the front door from this picture of your apartment at	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this picture a little one on one of the mailboxes and a little two? A. Yes. Q. And so you didn't modify any of the markings on those mailboxes when you moved in? A. No. Q. And you didn't modify those until you left, or you didn't modify those at any time, I should say? A. No. Q. Okay. Ms. Alvarado, at any time before the incident in June of 2021, did you ever interact with the people that lived on the second-floor apartment at 4664 Torresdale? A. No.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front door when you first moved into 4664 Torresdale Avenue in terms of writing? A. Yes. Q. What was that? A. The address. Q. I'm going to show you, and I'm going to mark — I'm going to mark this photograph Plaintiff's Exhibit-1. MR. ZURBRIGGEN: And, for the record, this is a document Bates Stamped D-80. And I've got a copy for you. BY MR. ZURBRIGGEN: Q. And, Ms. Alvarado, is this the way — first of all, can you see the writing on the front door from this picture of your apartment at 4664 Torresdale? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this picture a little one on one of the mailboxes and a little two? A. Yes. Q. And so you didn't modify any of the markings on those mailboxes when you moved in? A. No. Q. And you didn't modify those until you left, or you didn't modify those at any time, I should say? A. No. Q. Okay. Ms. Alvarado, at any time before the incident in June of 2021, did you ever interact with the people that lived on the second-floor apartment at 4664 Torresdale? A. No. Q. Before the date of the incident in June 2021, did you ever get anyone knocking on the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. Ms. Alvarado, I want to ask you about how the property, specifically, the front door of 4664 Torresdale, was marked specifically at the time that you moved in. Do you recall what was on the front door when you first moved into 4664 Torresdale Avenue in terms of writing? A. Yes. Q. What was that? A. The address. Q. I'm going to show you, and I'm going to mark — I'm going to mark this photograph Plaintiff's Exhibit-1. MR. ZURBRIGGEN: And, for the record, this is a document Bates Stamped D-80. And I've got a copy for you. BY MR. ZURBRIGGEN: Q. And, Ms. Alvarado, is this the way — first of all, can you see the writing on the front door from this picture of your apartment at 4664 Torresdale?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that apartment? A. Yes. Q. How were they marked? A. The way they are now. Q. And that looks like from this picture a little one on one of the mailboxes and a little two? A. Yes. Q. And so you didn't modify any of the markings on those mailboxes when you moved in? A. No. Q. And you didn't modify those until you left, or you didn't modify those at any time, I should say? A. No. Q. Okay. Ms. Alvarado, at any time before the incident in June of 2021, did you ever interact with the people that lived on the second-floor apartment at 4664 Torresdale? A. No. Q. Before the date of the incident in

	Page 21		Page 23
1	apartment that you can recall?	1	A. Yes.
2	A. No.	2	Q. And who is your landlord at 4713
3	Q. Okay. Ms. Alvarado, I think you	3	Torresdale Avenue?
4	respond in your Interrogatory Responses that you	4	A. Leo.
5	moved out in August of 2021; is that right?	5	Q. And is your property manager also
6	And if you're not sure, that's	6	still Arvin?
7	okay, you can estimate, if you can.	7	A. Yes.
8	A. Yes.	8	Q. Turning you back to that
9	Q. That sounds right?	9	photograph, Ms. Alvarado, at any time after the
10	A. Yes.	10	incident, do you know did either yourself or Leo
11	Q. Why did you move out of that	11	or Arvin or anyone else change the way the front
12	apartment in August of 2021?	12	
13	A. Because I couldn't deal with being		door or the mailboxes were marked that you know
14	in there.	13	of?
15	Q. I know it's tough, but can you tell	14	A. Can you repeat that question?
16	me a little bit more about what was it about	15	Q. Sure, absolutely.
17	living there that you couldn't deal with?	16	Do you recall whether between the
18	A. The blood that was on the floor,	17	time of the incident and the time you left 4664
19	the smell, the fact that I wasn't able to sleep.	18	Torresdale whether the front door was changed in
20	I was paranoid. I was always crying.	19	any way in terms of markings?
21		20	A. No.
22	Q. Okay. Thank you.MR. WEST: Are you finished	21	Q. It was not?
23	answering?	22	A. Un-unh, no.
24	It's okay if you are. I just	23	Q. Did you ever have a conversation
24	it's okay it you are. I just	24	with Leo or Arvin about changing the way that the
	Page 22		Page 24
1	Page 22 didn't want you to get cut off.	1	Page 24 front door was marked?
1 2		1 2	
	didn't want you to get cut off.		front door was marked?
2	didn't want you to get cut off. BY MR. ZURBRIGGEN:	2	front door was marked? A. No.
2	didn't want you to get cut off. BY MR. ZURBRIGGEN: Q. Feel free, please, if there's any	2 3	front door was marked? A. No. Q. Ms. Alvarado, I want to shift gears
2 3 4	didn't want you to get cut off. BY MR. ZURBRIGGEN: Q. Feel free, please, if there's any other thing you wanted to add in terms of why you	2 3 4	front door was marked? A. No. Q. Ms. Alvarado, I want to shift gears a little bit and ask you about the animals that
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	didn't want you to get cut off. BY MR. ZURBRIGGEN: Q. Feel free, please, if there's any other thing you wanted to add in terms of why you moved out? A. That was then of me being there of reliving what happened. Q. And so in August of 2021, where did you move after 4664 Torresdale? A. Across the street because that was the only apartment that the landlord was able to get. Q. And what was the address of the apartment that you moved into? A. 4713 Torresdale Avenue. Q. And is that immediately next to your sister, Yara's, apartment? A. No. Q. Or is it like how far is it approximately of a walk from your sister's apartment?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	front door was marked? A. No. Q. Ms. Alvarado, I want to shift gears a little bit and ask you about the animals that you had, specifically, on June 4, 2021, the date of the incident. I understand from your Interrogatory Responses you had two dogs and one was Akuma, the dog that was shot, and one was Penelope; is that right? A. Yes. Q. And Akuma is a pitbull mix; correct. A. Yes. Q. And Penelope was a Jack Russell, Shih Tzu mix; correct? A. Yes. Q. Okay. And you also had two cats and a bird; is that right? A. Yes. Q. And all of those pets were inside
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	didn't want you to get cut off. BY MR. ZURBRIGGEN: Q. Feel free, please, if there's any other thing you wanted to add in terms of why you moved out? A. That was then of me being there of reliving what happened. Q. And so in August of 2021, where did you move after 4664 Torresdale? A. Across the street because that was the only apartment that the landlord was able to get. Q. And what was the address of the apartment that you moved into? A. 4713 Torresdale Avenue. Q. And is that immediately next to your sister, Yara's, apartment? A. No. Q. Or is it like how far is it approximately of a walk from your sister's apartment? A. Three houses down.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	front door was marked? A. No. Q. Ms. Alvarado, I want to shift gears a little bit and ask you about the animals that you had, specifically, on June 4, 2021, the date of the incident. I understand from your Interrogatory Responses you had two dogs and one was Akuma, the dog that was shot, and one was Penelope; is that right? A. Yes. Q. And Akuma is a pitbull mix; correct. A. Yes. Q. And Penelope was a Jack Russell, Shih Tzu mix; correct? A. Yes. Q. Okay. And you also had two cats and a bird; is that right? A. Yes. Q. And all of those pets were inside your apartment that day of that incident; right?

Page 25 Page 27 1 about Akuma. So you said in, I think, in response 1 A. No. 2 2 to your Interrogatories that you got Akuma about Q. Do you know if Akuma had any 3 three years before the incident; is that right? 3 specific training to serve as a guard dog? 4 A. Yes. 4 A. No. 5 5 Q. And you got Akuma from a shelter? Q. I want to ask about like when you 6 A. Yes. 6 left the house. And I'm taking you back to the 7 7 Q. When you adopted Akuma from the time right around 4664 Torresdale, the incident 8 8 shelter, did you have to pay any fees to get there in June of 2021. 9 Akuma? 9 Did you, when you would leave the 10 10 A. No. house, would you take Akuma with you ever? 11 Q. And when you adopted Akuma, did you 11 A. Yes. 12 12 intend for Akuma to be a service dog or an Q. What kind of places and what 13 emotional support animal at that time when you 13 situations, if you could, would you take Akuma 14 adopted Akuma? 14 with you? 15 A. No. 15 I would take him with me to my 16 Q. Why did you get Akuma? 16 friend's house. When I went to go to the parks I 17 17 A. I wanted a companion. I had a dog would take him because I really don't have any 18 of 13 years who was dying. And I needed --18 friends or anyone. So I would go everywhere with 19 because the dog that I had of 13 years belonged to 19 my dog. 20 my mom who died, so it was a lot because she was 20 Did you ever take Akuma on any kind 21 like having seizures and heart problems. So then 21 of transportation, public transportation, like 22 I knew she was going to pass. So then I got Akuma 22 subway or bus? 23 to like -- to be like with me and also like help 23 A. No. 24 her. 24 Q. Did you ever take him into movie Page 26 Page 28 1 theatres or any kind of places where you would go 1 Q. I understand. 2 Did you -- was -- in addition to 2 shopping or any other place would you take Akuma? 3 the reasons that you just gave, was one reason 3 Can you repeat the question? 4 4 that you picked Akuma specifically to be a guard Q. Absolutely. So you mentioned 5 dog for your property where you were living? 5 bringing Akuma to your friend's house and to the 6 6 A. Not a guard dog because I had small 7 7 dogs. So just so I can have a bigger dog so I can Did you ever take him into any kind 8 8 feel safe. It wasn't a guard dog. of businesses when you would go shopping, any 9 9 other kind of places? Q. I understand. 10 10 So before you got Akuma, did you A. If he was allowed to go in. Did you ever try to take Akuma in a 11 speak with anyone in terms of like a doctor or 11 Q. 12 medical professional about getting Akuma? 12 place and not be allowed to? 13 13 A. No. A. 14 14 Q. When you got Akuma, do you know if Q. Prior to the incident in June of Akuma had any specific training to serve as a 15 2021, did you ever have any problem with Leo or 15 16 service dog or emotional support dog? 16 Mirela or Arvin about having Akuma at 4664 17 Can you ask that question again? 17 Torresdale, did you ever get any pushback or 18 Sure, absolutely. I want to take 18 concern from them about that? 19 19 you back to the time that you adopted Akuma when A. No. 20 you went to the shelter to get Akuma. 20 MR. ZURBRIGGEN: I'm going to mark 21 21 another document. And, Keith, I hope At that time when you picked Akuma 22 22 out at the shelter, did you know that Akuma had you don't mind, I've just got Ms. 23 23 Alvarado's Interrogatory Responses and any special training to serve as a service dog or 24 emotional support dog? 24 RP Responses with the documents all as

	Page 29		Page 31
1	one document. There's not a whole lot	1	you just not remember?
2	there.	2	A. Did I meet face to face?
3	MR. WEST: Yes, I don't think	3	Q. Yes.
4	there's any problem.	4	A. No.
5	MR. ZURBRIGGEN: I'm going to mark	5	Q. Do you remember why you applied to
6	that whole packet as Plaintiff's-1, for	6	Dr. Welch, if there was any specific reason you
7	the record.	7	applied to Dr. Welch to get this certification?
8	BY MR. ZURBRIGGEN:	8	A. Yes.
9	Q. I've got a copy here, Ms. Alvarado.	9	Q. What was the reason?
10	I've got one. You should have a third one,	10	A. So I can take my animals with me.
11	actually.	11	And I was suffering from depression, anxiety. And
12	MR. ZURBRIGGEN: I'm just going to	12	they were a comfort to me. So in order for me to
13	give you the marked one, Keith.	13	be able to have them with me at all times and take
14	MR. WEST: Sure. I'll just switch.	14	them into stores, then I had to get them
15	BY MR. ZURBRIGGEN:	15	registered.
16	Q. Ms. Alvarado, I want to turn your	16	Q. I understand.
17	attention, it's the not the last page, not the	17	Is there any specific incident
18	second-to-last page, but the third-to-last page.	18	before you applied for this that prompted you to
19	It's got on the top a Dr. Frank J. Welch, M.D.	19	reach out; if you can recall?
20		20	A. No.
21	Can you turn to that page, if you	21	
22	would, and let me know when you find it?	22	Q. I know you said you didn't meet face to face with Dr. Welch.
	A. (Witness complies.)		
23	Q. That's perfect. That's the one,	23	Do you know if Dr. Welch saw your
24	yes.	24	pets in any way, if you had to bring your pets to
	Page 30		Page 32
1	Page 30 Ms. Alvarado, have you seen this	1	Page 32 see Dr. Welch?
1 2		1 2	
	Ms. Alvarado, have you seen this		see Dr. Welch?
2	Ms. Alvarado, have you seen this document before?	2	see Dr. Welch? A. No.
2	Ms. Alvarado, have you seen this document before? A. Yes.	2	see Dr. Welch? A. No. Q. Before the incident that occurred
2 3 4	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know,	2 3 4	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident
2 3 4 5	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is?	2 3 4 5	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either
2 3 4 5 6	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my	2 3 4 5 6	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another
2 3 4 5 6 7	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my dogs were registered as emotional support.	2 3 4 5 6 7	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another person, did you ever have an issue with that?
2 3 4 5 6 7 8	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my dogs were registered as emotional support. Q. Do you recall and the date on	2 3 4 5 6 7 8	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another person, did you ever have an issue with that? A. No.
2 3 4 5 6 7 8	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my dogs were registered as emotional support. Q. Do you recall and the date on this you see at the top is April 25th of 2021.	2 3 4 5 6 7 8	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another person, did you ever have an issue with that? A. No. Q. And so I want to ask you about
2 3 4 5 6 7 8 9	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my dogs were registered as emotional support. Q. Do you recall and the date on this you see at the top is April 25th of 2021. Do you remember the process of	2 3 4 5 6 7 8 9	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another person, did you ever have an issue with that? A. No. Q. And so I want to ask you about Penelope.
2 3 4 5 6 7 8 9 10	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my dogs were registered as emotional support. Q. Do you recall and the date on this you see at the top is April 25th of 2021. Do you remember the process of applying to Dr. Welch for this letter?	2 3 4 5 6 7 8 9 10	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another person, did you ever have an issue with that? A. No. Q. And so I want to ask you about Penelope. Penelope is your Jack Russell Shih
2 3 4 5 6 7 8 9 10 11	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my dogs were registered as emotional support. Q. Do you recall and the date on this you see at the top is April 25th of 2021. Do you remember the process of applying to Dr. Welch for this letter? A. Yes.	2 3 4 5 6 7 8 9 10 11	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another person, did you ever have an issue with that? A. No. Q. And so I want to ask you about Penelope. Penelope is your Jack Russell Shih Tsu mix; right?
2 3 4 5 6 7 8 9 10 11 12	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my dogs were registered as emotional support. Q. Do you recall and the date on this you see at the top is April 25th of 2021. Do you remember the process of applying to Dr. Welch for this letter? A. Yes. Q. Can you tell me what that process	2 3 4 5 6 7 8 9 10 11 12 13	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another person, did you ever have an issue with that? A. No. Q. And so I want to ask you about Penelope. Penelope is your Jack Russell Shih Tsu mix; right? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my dogs were registered as emotional support. Q. Do you recall — and the date on this you see at the top is April 25th of 2021. Do you remember the process of applying to Dr. Welch for this letter? A. Yes. Q. Can you tell me what that process entailed?	2 3 4 5 6 7 8 9 10 11 12 13 14	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another person, did you ever have an issue with that? A. No. Q. And so I want to ask you about Penelope. Penelope is your Jack Russell Shih Tsu mix; right? A. Yes. Q. And do you still have Penelope?
2 3 4 5 6 7 8 9 10 11 12 13 14	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my dogs were registered as emotional support. Q. Do you recall and the date on this you see at the top is April 25th of 2021. Do you remember the process of applying to Dr. Welch for this letter? A. Yes. Q. Can you tell me what that process entailed? A. They asked me questions to see if I	2 3 4 5 6 7 8 9 10 11 12 13 14	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another person, did you ever have an issue with that? A. No. Q. And so I want to ask you about Penelope. Penelope is your Jack Russell Shih Tsu mix; right? A. Yes. Q. And do you still have Penelope? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my dogs were registered as emotional support. Q. Do you recall — and the date on this you see at the top is April 25th of 2021. Do you remember the process of applying to Dr. Welch for this letter? A. Yes. Q. Can you tell me what that process entailed? A. They asked me questions to see if I qualified for an emotional support pet.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another person, did you ever have an issue with that? A. No. Q. And so I want to ask you about Penelope. Penelope is your Jack Russell Shih Tsu mix; right? A. Yes. Q. And do you still have Penelope? A. Yes. Q. And then did you obtain Penelope
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my dogs were registered as emotional support. Q. Do you recall and the date on this you see at the top is April 25th of 2021. Do you remember the process of applying to Dr. Welch for this letter? A. Yes. Q. Can you tell me what that process entailed? A. They asked me questions to see if I qualified for an emotional support pet. Q. Did you have to provide Dr. Welch's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another person, did you ever have an issue with that? A. No. Q. And so I want to ask you about Penelope. Penelope is your Jack Russell Shih Tsu mix; right? A. Yes. Q. And do you still have Penelope? A. Yes. Q. And then did you obtain Penelope around the same time as Akuma or was it later?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my dogs were registered as emotional support. Q. Do you recall — and the date on this you see at the top is April 25th of 2021. Do you remember the process of applying to Dr. Welch for this letter? A. Yes. Q. Can you tell me what that process entailed? A. They asked me questions to see if I qualified for an emotional support pet. Q. Did you have to provide Dr. Welch's office with any documents or just responses to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another person, did you ever have an issue with that? A. No. Q. And so I want to ask you about Penelope. Penelope is your Jack Russell Shih Tsu mix; right? A. Yes. Q. And do you still have Penelope? A. Yes. Q. And then did you obtain Penelope around the same time as Akuma or was it later? A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my dogs were registered as emotional support. Q. Do you recall and the date on this you see at the top is April 25th of 2021. Do you remember the process of applying to Dr. Welch for this letter? A. Yes. Q. Can you tell me what that process entailed? A. They asked me questions to see if I qualified for an emotional support pet. Q. Did you have to provide Dr. Welch's office with any documents or just responses to questions; if you remember?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another person, did you ever have an issue with that? A. No. Q. And so I want to ask you about Penelope. Penelope is your Jack Russell Shih Tsu mix; right? A. Yes. Q. And do you still have Penelope? A. Yes. Q. And then did you obtain Penelope around the same time as Akuma or was it later? A. No. Q. When did you acquire Penelope?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my dogs were registered as emotional support. Q. Do you recall and the date on this you see at the top is April 25th of 2021. Do you remember the process of applying to Dr. Welch for this letter? A. Yes. Q. Can you tell me what that process entailed? A. They asked me questions to see if I qualified for an emotional support pet. Q. Did you have to provide Dr. Welch's office with any documents or just responses to questions; if you remember? A. I don't remember.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another person, did you ever have an issue with that? A. No. Q. And so I want to ask you about Penelope. Penelope is your Jack Russell Shih Tsu mix; right? A. Yes. Q. And do you still have Penelope? A. Yes. Q. And then did you obtain Penelope around the same time as Akuma or was it later? A. No. Q. When did you acquire Penelope? A. 2018.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Ms. Alvarado, have you seen this document before? A. Yes. Q. Okay. Can you tell me, you know, what your understanding of what this document is? A. It's the paperwork stating that my dogs were registered as emotional support. Q. Do you recall and the date on this you see at the top is April 25th of 2021. Do you remember the process of applying to Dr. Welch for this letter? A. Yes. Q. Can you tell me what that process entailed? A. They asked me questions to see if I qualified for an emotional support pet. Q. Did you have to provide Dr. Welch's office with any documents or just responses to questions; if you remember? A. I don't remember. Q. Okay. Do you remember meeting with	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	see Dr. Welch? A. No. Q. Before the incident that occurred in June 2021, was there ever any time or incident that you can recall where Akuma was either growling or barking at another individual, another person, did you ever have an issue with that? A. No. Q. And so I want to ask you about Penelope. Penelope is your Jack Russell Shih Tsu mix; right? A. Yes. Q. And do you still have Penelope? A. Yes. Q. And then did you obtain Penelope around the same time as Akuma or was it later? A. No. Q. When did you acquire Penelope? A. 2018. Q. Do you remember if that was after

	Page 33		Page 35
1	for the same reasons that you adopted Akuma?	1	A. Yes.
2	A. No.	2	Q. Where were you coming from in the
3	Q. Why did you adopt Penelope?	3	apartment when you were walking towards the door?
4	A. She was a gift.	4	A. The bathroom.
5	Q. From whom was she a gift?	5	Q. And when you were walking towards
6	A. From my ex.	6	the front door, was there anything that you were
7	Q. Was that an ex-boyfriend?	7	heading for in the apartment at that time?
8	A. Fiance.	8	A. No.
9	Q. Fiance, okay.	9	Q. And I know this is personal. I'm
10	When you got Penelope as a gift, do	10	sorry to ask. I just have to.
11	you know if Penelope had any special training to	11	In terms of your state of dress at
12	serve as a service dog or emotional support dog?	12	that time
13	A. No.	13	A. Can you go back to that question?
14	Q. Okay. Ms. Alvarado, I want to	14	Q. Yes. And you look like you want to
15	· · · · · · · · · · · · · · · · · · ·	15	clarify something. Go ahead.
	switch gears and talk about what occurred in June		
16 17	2021, June 4th of 2021, the incident.	16	A. You asked me if I was heading towards something?
	And that occurred in the early		
18	morning of the day of this incident; is that	18	Q. Yes.
19	right?	19	A. Not towards something, but towards
20	A. Yes.	20	like my bird because he was screaming. So I was
21	Q. Where were you in the house when	21	like not like towards the door, but towards the
22	you first noticed that someone was at your	22	bird.
23	property, at your residence?	23	Q. I understand.
24	A. Can you	24	So you had heard before that your
	Page 34		Page 36
	_		rage 50
1	Q. Sure. Let me clarify.	1	bird was screaming, I think you said, or
1 2		1 2	
	Q. Sure. Let me clarify.		bird was screaming, I think you said, or
2	Q. Sure. Let me clarify.How did you first learn on that	2	bird was screaming, I think you said, or squeaking?
2	Q. Sure. Let me clarify. How did you first learn on that day, the day of the incident, that someone was at	2 3	bird was screaming, I think you said, or squeaking? A. Yes, yes.
2 3 4	Q. Sure. Let me clarify. How did you first learn on that day, the day of the incident, that someone was at the property, did you hear something?	2 3 4	bird was screaming, I think you said, or squeaking? A. Yes, yes. Q. Okay. Where were you when you
2 3 4 5	Q. Sure. Let me clarify. How did you first learn on that day, the day of the incident, that someone was at the property, did you hear something? A. My door was kicked down.	2 3 4 5	bird was screaming, I think you said, or squeaking? A. Yes, yes. Q. Okay. Where were you when you first heard the bird squeaking?
2 3 4 5 6	Q. Sure. Let me clarify. How did you first learn on that day, the day of the incident, that someone was at the property, did you hear something? A. My door was kicked down. MR. WEST: I apologize. What did	2 3 4 5 6	bird was screaming, I think you said, or squeaking? A. Yes, yes. Q. Okay. Where were you when you first heard the bird squeaking? A. In the bathroom.
2 3 4 5 6 7	Q. Sure. Let me clarify. How did you first learn on that day, the day of the incident, that someone was at the property, did you hear something? A. My door was kicked down. MR. WEST: I apologize. What did you say, your dog was what?	2 3 4 5 6 7	bird was screaming, I think you said, or squeaking? A. Yes, yes. Q. Okay. Where were you when you first heard the bird squeaking? A. In the bathroom. Q. And did you hear anything else when
2 3 4 5 6 7 8	Q. Sure. Let me clarify. How did you first learn on that day, the day of the incident, that someone was at the property, did you hear something? A. My door was kicked down. MR. WEST: I apologize. What did you say, your dog was what? THE WITNESS: No. I said my door	2 3 4 5 6 7 8	bird was screaming, I think you said, or squeaking? A. Yes, yes. Q. Okay. Where were you when you first heard the bird squeaking? A. In the bathroom. Q. And did you hear anything else when you were in the bathroom or just the bird?
2 3 4 5 6 7 8	Q. Sure. Let me clarify. How did you first learn on that day, the day of the incident, that someone was at the property, did you hear something? A. My door was kicked down. MR. WEST: I apologize. What did you say, your dog was what? THE WITNESS: No. I said my door was kicked down.	2 3 4 5 6 7 8	bird was screaming, I think you said, or squeaking? A. Yes, yes. Q. Okay. Where were you when you first heard the bird squeaking? A. In the bathroom. Q. And did you hear anything else when you were in the bathroom or just the bird? A. Just the bird.
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	Page 37		Page 39
1	A. The bathroom light.	1	the doorway.
2	Q. Okay. So you mentioned that you	2	Q. So is it, I'm sorry, I don't want
3	were walking toward the bird when the door was	3	to cut you off, is it fair to say that you were
4	kicked in; is that right?	4	standing about at the boundary line between the
5	A. I was walking towards the front	5	kitchen and the living room?
6	because it's like one open space, so everything is	6	A. Yes.
7	together. So I was walking towards the front,	7	MR. ZURBRIGGEN: And I'm going to
8	like the front of the apartment where the door was	8	just mark another document. This is
9	and because the bird was next to the door, so	9	Plaintiff's Exhibit-3 or Plaintiff's-3.
10	everything is together.	10	MR. WEST: Do you mean defense?
11	Q. And that's when you heard the door	11	MR. ZURBRIGGEN: I'm sorry, I'm
12	being breached?	12	just going to call it Plaintiff-3.
13	A. When I saw them standing, yes.	13	MR. WEST: Okay. Because your
14	Q. So they	14	plaintiff.
15	A. They kicked the door down. And	15	MR. ZURBRIGGEN: And this is her
16	that's when I noticed what was that someone was	16	deposition.
17	trying to get in.	17	MR. WEST: I understand.
18	Q. Were you looking at the door when	18	MR. ZURBRIGGEN: And it's a
19	the door was breached?	19	document with the Bates Stamp 94.
20	A. Yes.	20	Here's a copy.
21	Q. And so you saw the first officers	21	BY MR. ZURBRIGGEN:
22	come through the door after that?	22	Q. All right. Ma'am, is this a
23	A. Yes.	23	picture of how your apartment looked on the day of
24	Q. And let me go back to this point	24	the incident?
			- 40
		1	Page 4()
1		1	Page 40
1	because I think I was going to ask it before we	1 2	A. Yes.
2	because I think I was going to ask it before we went back. And I hate to ask it.	2	A. Yes. Q. Okay. And so when we said we
2	because I think I was going to ask it before we went back. And I hate to ask it. But in terms of how you were	2	A. Yes. Q. Okay. And so when we said we were talking earlier about where you were standing
2 3 4	because I think I was going to ask it before we went back. And I hate to ask it. But in terms of how you were dressed at that point when you left the bathroom	2 3 4	A. Yes. Q. Okay. And so when we said we were talking earlier about where you were standing when the officers entered.
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2 3 4 5 6	because I think I was going to ask it before we went back. And I hate to ask it. But in terms of how you were dressed at that point when you left the bathroom and headed toward the front door where the bird was, you said you were not dressed from the waist	2 3 4 5 6	A. Yes. Q. Okay. And so when we said we were talking earlier about where you were standing when the officers entered. Is that at the point where the wood there becomes the tile that you see on this
2 3 4 5 6 7	because I think I was going to ask it before we went back. And I hate to ask it. But in terms of how you were dressed at that point when you left the bathroom and headed toward the front door where the bird was, you said you were not dressed from the waist down?	2 3 4 5 6 7	A. Yes. Q. Okay. And so when we said we were talking earlier about where you were standing when the officers entered. Is that at the point where the wood there becomes the tile that you see on this photograph, is that about where you were standing
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	Page 41		Page 43
1	Q. Thank you. So, just to be clear,	1	A. Before he barked and then after
2	you were standing on the tile; is that right?	2	because when the bird was screaming, that's when
3	A. Yes.	3	he barked.
4	Q. And you could see the front door at	4	Q. I see. So Akuma
5	that point in time?	5	A. Because the bird was screaming and
6	A. Yes.	6	he barked. So I guess he saw what the bird saw.
7	Q. Do you know at that point in time	7	Q. I understand.
8	where the officers came through the front door	8	So you heard the bird start
9	where Akuma was?	9	squeaking first?
10	A. Yes.	10	A. Yes.
11	Q. Where was Akuma in this in the	11	Q. And then you heard Akuma start
12	apartment?	12	barking after that?
13	A. In his cage.	13	A. Yes.
14		14	O. But it was before the officers came
	Q. And is that the cage that's on Plaintiff-3 to the far left of the photograph?	15	through the door?
15			· ·
16	A. Yes.	16	A. Yes.
17	Q. And could you see Akuma at that	17	Q. And it was before the door was
18	point inside the cage or do you just know that he	18	breached?
19	was there some other way?	19	A. Yes.
20	A. He was could I see?	20	Q. So can you describe it?
21	Q. Sure. If you'd like to on the	21	I know this isn't pleasant.
22	photograph where Akuma was, that's fine as well,	22	Would you describe for me what
23	and you can mark that with a D for dog or A for	23	happened after the officers came through the front
24	Akuma.	24	door?
	Page 42		Page 44
1	A. (Witness complies.)	1	A. They came through the front door.
2	Q. I'm sorry, I'm struggling to see.	2	And I told my dogs to calm down. They was okay.
3	Was that right where	3	He calmed down.
4	A. Where the	4	And then I told him, let me put him
5	Q. Oh, right, I see now. Thank you.	5	in the cage, let me put him in the cage a few
6	So when the officers came through	6	times.
7	the front door where that toy is where Akuma was,	7	And they said, no.
8	could you see Akuma there at that time?	8	And they shot him. And they were
9	A. No.	9	just asking how do you get to the second floor.
10	Q. But did you know Akuma was there	10	And when they had shot him, they shot him. They
11	some other way?	11	had me on the floor. They didn't let me move.
12	A. Yes.	12	They didn't want to show me the search warrant.
13	Q. How did you know Akuma was there at	13	They told me don't talk and just sit there on the
14	that time?	14	floor. And I called the little dog. Well, when
15	A. Because I heard him. And that's	15	they kicked the front door the little dog ran
16	where he usually sleeps.	16	towards me.
17	Q. You said you heard Akuma at that	17	And I asked them, let me put him in
18	point.	18	the cage.
19	Did Akuma start to bark as soon as	19	And they said, no.
20	the officers came in the door or was it before?	20	And they just shot him.
21	A. When they kicked it down.	21	Q. When you refer to the little dog
	Q. So, to the best of your	22	you're referring to Penelope; correct?
22			,
22 23		23	A. Yes.
22 23 24	recollection, Akuma was not barking before the door was kicked down?	23 24	A. Yes.Q. So when the officers came through

	Page 45		Page 47
1	the front door you said Penelope ran toward you?	1	When that officer came up to you,
2	A. Yes.	2	were you standing where you had marked here when
3	Q. Where was Penelope before that; if	3	they came in and just in the kitchen?
4	you know?	4	A. He pushed me back.
5	A. They sleep together.	5	Q. How far back did you go at that
6	Q. So did you see Penelope before the	6	point in time?
7	officers came through the front door?	7	A. Just like
8	A. Yes.	8	Q. You can mark on here, if you want.
9	Q. And Penelope was you said where	9	And you can mark that with like a B for back, if
10	Akuma was?	10	that's easiest.
11	A. Yes.	11	A. (Witness complies.)
12	Q. By that toy?	12	Q. So you moved back about a few feet
13	A. Yes, because when I was in the	13	from where you were?
14	bathroom they came to me. And I told him them to	14	A. Maybe like two.
15	lay down. They went back to their bed.	15	Q. About two feet?
16	Q. So I just want to be completely	16	A. Yeah.
17	clear.	17	Q. And how close to you was that
18	You said Penelope came to you	18	officer?
19	before the officers came through the door?	19	A. In my face.
20	A. Because every morning is the same	20	Q. At that point in time when the
21	routine, so, yes.	21	officer was in your face, could you see where
22	Q. But when the officers came through	22	Akuma was?
23	the door Penelope was not you could not see	23	A. No.
24	Penelope?	24	Q. And at that point in time, did you
			1 , ,
	Page 46		Page 48
_			
1	A. Correct.	1	get on the ground as you were instructed by the
2	A. Correct.Q. Was Penelope barking?	1 2	get on the ground as you were instructed by the officer?
2	Q. Was Penelope barking?	2	officer?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Was Penelope barking? A. I don't remember. Q. When the officers came through the door, did they come right up to you or did any of them come right up to you? A. They had the gun to my face and told me to get on the ground. Q. How many officers came up to you? A. So there was one officer that came up to me that made me get on the floor. Q. Do you recall what that officer's do you recall the officer's name? If you don't, that's okay. A. No. They didn't give any names. Q. What can you describe that officer who came up to you in terms of a description; tall, short? A. Tall. Q. Could you tell the officer's race or ethnicity? A. I know he was light skinned.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	officer? A. Yes. I was forced. I had a gun to my face. Q. And you said you told that officer to let me put my dog away? A. Yes. Q. You said the officer told you, no? A. Correct, yes. Q. Were you I want to ask you about when, and you heard a single gunshot; is that right? A. Yes. Q. Were you on the ground at the time that you heard that shot? A. Yes. Q. And at the time that you heard that shot, could you see Akuma? A. I heard him scream. Q. But you couldn't see him? A. Yes. Q. Could you hear Akuma barking right
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Was Penelope barking? A. I don't remember. Q. When the officers came through the door, did they come right up to you or did any of them come right up to you? A. They had the gun to my face and told me to get on the ground. Q. How many officers came up to you? A. So there was one officer that came up to me that made me get on the floor. Q. Do you recall what that officer's do you recall the officer's name? If you don't, that's okay. A. No. They didn't give any names. Q. What can you describe that officer who came up to you in terms of a description; tall, short? A. Tall. Q. Could you tell the officer's race or ethnicity? A. I know he was light skinned.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	officer? A. Yes. I was forced. I had a gun to my face. Q. And you said you told that officer to let me put my dog away? A. Yes. Q. You said the officer told you, no? A. Correct, yes. Q. Were you I want to ask you about when, and you heard a single gunshot; is that right? A. Yes. Q. Were you on the ground at the time that you heard that shot? A. Yes. Q. And at the time that you heard that shot, could you see Akuma? A. I heard him scream. Q. But you couldn't see him? A. Yes. Q. Could you hear Akuma barking right

	Page 49		Page 51
1	Q. Sure. Was Akuma barking right	1	Q. But did you see them search through
2	before the gunshot?	2	any of your belongings?
3	A. No.	3	A. Yes.
4	Q. Did you see Akuma at any point in	4	Q. What did you see?
5	time go toward the officers?	5	A. They ripped the curtain down from
6	A. No.	6	my laundry room. And then they went into my room.
7	Q. You didn't see Akuma at any point	7	And they were just moving the stuff around. They
8	before the shot, you said; correct?	8	were searching for, I guess, a person. They were
9	A. Yes.	9	just looking. They went into the bathroom.
10	Q. Now, Ms. Alvarado, at some point in	10	Q. And then what happened after they
11	time did the officers ask you or did any of the	11	went back into the bathroom?
12	officers ask you how to access the second-floor	12	A. They saw they came out.
13	apartment?	13	Q. About how long was it between the
14	A. Yes.	14	time that the shot was fired and the time that
15	Q. When was that, was that after the	15	they came back out?
16	shot or before the shot?	16	A. I don't recall.
17	A. As soon as they kicked the door	17	Q. Was it a matter of minutes,
18	down that's all they were saying.	18	seconds; if you can say?
19	Q. And did you respond to that?	19	
20	A. I told them that yes.	20	MR. WEST: Object to the form of
21	Q. What did you say in response?		the question.
22	A. They had to get out because there	21	You can answer. If you're able to
23	was only one way in and one way out, the second	22	answer, you can answer.
24	floor was around the back.	23	MR. ZURBRIGGEN: And I can rephrase
		24	the question, if it's easier.
	Page 50		Page 52
1	Q. Did any of the officers say	1	BY MR. ZURBRIGGEN:
2	anything in response to that?	2	Q. Was it more than five minutes that
3	A. No. They started ripping the	3	they were inside the apartment before they left
4	curtains and started looking and they started	4	outside the apartment?
5	searching the apartment.	5	A. Yes.
6	Q. You said that you were on the floor	6	Q. It was more than five minutes?
7	in the kitchen; is that right?	7	A. Yes.
8	A. When they first kicked the door	8	Q. Before that five minutes was up,
9	down.	9	did any of the officers leave the apartment?
10	Q. Did the officers go past you in the	10	A. No.
11	kitchen?	11	Q. So they all stayed in the
12	A. Yes.	12	apartment?
13	Q. And they went further back into the	13	A. No. There were some that were in
14	apartment?	14	my bedroom searching. And then there was some
15	A. Yes.	15	that were making sure that I didn't move.
16	Q. You saw them go further back into	16	Q. How many officers were with you
17	the apartment?	17	watching you at this time?
18	A. Yes.	18	A. There was three.
19	Q. Did you see them search through	19	Q. And so while those three officers
20	anything in terms of not going let me ask it	20	were watching you, did you see any leave the
21	this way.	21	apartment?
22	Just to be clear, you saw them go	22	A. They yes.
23	back into the rest of the apartment; correct?	23	Q. About how long after the shot,
	and apartitions, correct.	1 1	2
24	A. Yes.	24	again, if you can estimate? If you can't

	Page 53		Page 55
1	A. I can't.	1	there with you?
2	Q. At some point I'm sorry, you	2	A. Yes.
3	look like you want to clarify. Go ahead.	3	Q. How many?
4	A. Yes. Once they went and saw that	4	A. They were coming in and out. There
5	they moved the curtains and realized that there	5	was like three.
6	was a wall and a window, they just left.	6	Q. Did any of these officers say
7	Q. At that point when that occurred,	7	anything to you at that point in time?
8	did any officers stay behind with you?	8	A. No.
9	A. Yes.	9	Q. Did you say anything to the
10	Q. How many?	10	officers at that point after you came out to
11	A. Two.	11	change?
12	Q. And, if you can estimate, about how	12	A. Yes.
13	long were you on the ground until you got off the	13	Q. What did you say?
14	ground?	14	A. I asked them what was going on.
15	A. A half an hour.	15	And they said that they couldn't tell me anything.
16	Q. And so what happened that prompted	16	Q. About how long were you sitting in
17	you to get up?	17	that chair, if you can say?
18	A. I want I asked to put on clothes	18	A. Until they left. Until they told
19	because my boobs were hanging out. The towel was	19	me to go outside and take my statement. Because
20	showing my because the towel wasn't a big	20	he was standing there watching me. So then once I
21	towel, so it barely covered me.	21	was able to move to go outside and for them to
22	(Witness indicating.)	22	take my statement, that's when he left.
23	Q. And so you asked one of the	23	Q. At some point in time that day, did
24	officers if you could go put on clothing?	24	your sister, Yara, come over?
	Daga E4		
	Page 54		Page 56
1	A. Yes.	1	A. Yes.
2	A. Yes.Q. And what did the officer say?	2	A. Yes. Q. When was that, was that when you
2	A. Yes.Q. And what did the officer say?A. He said it was okay.	2	A. Yes. Q. When was that, was that when you were still inside or was that after you were
2 3 4	A. Yes.Q. And what did the officer say?A. He said it was okay.Q. And then did you go and put	2 3 4	A. Yes. Q. When was that, was that when you were still inside or was that after you were outside giving a statement?
2 3 4 5	A. Yes.Q. And what did the officer say?A. He said it was okay.Q. And then did you go and put clothing on?	2 3 4 5	A. Yes. Q. When was that, was that when you were still inside or was that after you were outside giving a statement? A. When I was inside.
2 3 4 5 6	 A. Yes. Q. And what did the officer say? A. He said it was okay. Q. And then did you go and put clothing on? A. I went to the bathroom. 	2 3 4 5 6	A. Yes. Q. When was that, was that when you were still inside or was that after you were outside giving a statement? A. When I was inside. Q. And so Yara came inside with you?
2 3 4 5 6 7	 A. Yes. Q. And what did the officer say? A. He said it was okay. Q. And then did you go and put clothing on? A. I went to the bathroom. Q. And you put clothing on in the 	2 3 4 5 6 7	A. Yes. Q. When was that, was that when you were still inside or was that after you were outside giving a statement? A. When I was inside. Q. And so Yara came inside with you? A. No. They didn't allow her to.
2 3 4 5 6 7 8	 A. Yes. Q. And what did the officer say? A. He said it was okay. Q. And then did you go and put clothing on? A. I went to the bathroom. Q. And you put clothing on in the bathroom? 	2 3 4 5 6 7 8	A. Yes. Q. When was that, was that when you were still inside or was that after you were outside giving a statement? A. When I was inside. Q. And so Yara came inside with you? A. No. They didn't allow her to. Q. Could you see Yara outside while
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2 3 4 5 6 7 8 9 10	A. Yes. Q. And what did the officer say? A. He said it was okay. Q. And then did you go and put clothing on? A. I went to the bathroom. Q. And you put clothing on in the bathroom? A. Yes. Q. When you came out of the bathroom, where did you go at that point?	2 3 4 5 6 7 8 9 10	A. Yes. Q. When was that, was that when you were still inside or was that after you were outside giving a statement? A. When I was inside. Q. And so Yara came inside with you? A. No. They didn't allow her to. Q. Could you see Yara outside while you were still sitting inside? A. Yes. Q. You could see her through the door?
2 3 4 5 6 7 8 9 10 11	A. Yes. Q. And what did the officer say? A. He said it was okay. Q. And then did you go and put clothing on? A. I went to the bathroom. Q. And you put clothing on in the bathroom? A. Yes. Q. When you came out of the bathroom, where did you go at that point? A. To the chair.	2 3 4 5 6 7 8 9 10 11	A. Yes. Q. When was that, was that when you were still inside or was that after you were outside giving a statement? A. When I was inside. Q. And so Yara came inside with you? A. No. They didn't allow her to. Q. Could you see Yara outside while you were still sitting inside? A. Yes. Q. You could see her through the door? A. Yes. She came at one point to get
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. And what did the officer say? A. He said it was okay. Q. And then did you go and put clothing on? A. I went to the bathroom. Q. And you put clothing on in the bathroom? A. Yes. Q. When you came out of the bathroom, where did you go at that point? A. To the chair. Q. And just referring you back to Plaintiff's-3, is that one of the chairs at the table in the kitchen or I'm sorry, did I take your I'm sorry.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. When was that, was that when you were still inside or was that after you were outside giving a statement? A. When I was inside. Q. And so Yara came inside with you? A. No. They didn't allow her to. Q. Could you see Yara outside while you were still sitting inside? A. Yes. Q. You could see her through the door? A. Yes. She came at one point to get Penelope because she had pissed all over me and she was shaking. Q. Do you know did you before that point in time, did you contact Yara to have
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Q. And what did the officer say? A. He said it was okay. Q. And then did you go and put clothing on? A. I went to the bathroom. Q. And you put clothing on in the bathroom? A. Yes. Q. When you came out of the bathroom, where did you go at that point? A. To the chair. Q. And just referring you back to Plaintiff's-3, is that one of the chairs at the table in the kitchen or I'm sorry, did I take your I'm sorry. Was that one of the chairs in the kitchen or one in the living room? A. Yes, it was. Q. Just, for the record, you're indicating the chair in the kitchen? A. Yes. Q. And when you came and sat at the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Q. When was that, was that when you were still inside or was that after you were outside giving a statement? A. When I was inside. Q. And so Yara came inside with you? A. No. They didn't allow her to. Q. Could you see Yara outside while you were still sitting inside? A. Yes. Q. You could see her through the door? A. Yes. She came at one point to get Penelope because she had pissed all over me and she was shaking. Q. Do you know did you before that point in time, did you contact Yara to have her come over or did she just come over? A. No. She came. She saw everything through her house, I guess her front door, saw the cops that were outside. Q. So your first interaction with Yara was when you were outside giving a statement? A. Yes.
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	Page 57		Page 59
1	you notice officers taking photographs inside the	1	what was going on, why they went into my house.
2	apartment?	2	So then I went to the person who lives upstairs
3	A. No.	3	because that's where they said she came to me
4	Q. Do you remember giving your	4	and she apologized because of what happened to my
5	statement when you went outside?	5	dog.
6	A. Yes.	6	Q. How long was it that the person
7	Q. Do you remember how many officers	7	from upstairs came to you to apologize, how long
8	it was that took your statement?	8	after the incident; if you remember?
9	A. One.	9	A. Right once everything everybody
10	Q. Do you remember if that officer	10	left.
11	do you remember that officer's name?	11	Q. So it was the same day as the
12	If you don't, that's okay.	12	event?
13	A. No.	13	A. The same day.
14	Q. Okay. Do you remember if that	14	Q. And you said you never interacted
15	officer was recording it by video?	15	with that person before; correct?
16	A. Yes.	16	A. No, correct.
17	Q. And, Miss, I'm sorry, I mean to	17	Q. And you said she just apologized
18	imply nothing by this, but I just have to ask.	18	about what had happened with your dog?
19	When you gave a statement to that	19	A. Correct.
20	officer you were fully honest and truthful with	20	Q. Did she say anything else to you
21	that officer; correct?	21	
22	A. Yes.	22	about what happened? A. No.
23	Q. At some point that day, did you	23	1.00
24	learn that the officers were looking for a	24	Q. Did you say anything to her that
		24	you can remember?
	Page 58		Page 60
1	homicide or a murder suspect?	1	A. No.
2	A. After everything happened.	2	Q. Did you ever interact with that
3	Q. Do you remember if that was when	3	woman again after that?
4	you were giving a statement?	4	A. Yes.
5	A. No.	5	Q. What was the nature of that
6	Q. Do you remember if it was after you	6	interaction?
7	left and you went outside?	7	A. She was she lived upstairs from
8	A. That was when everything was done	0	
0	The trial was when everything was done	8	me. So every time I see her she'll always
9	and over with that I heard from people speaking	9	me. So every time I see her she'll always apologize. And she felt bad for what happened.
			· · · · · · · · · · · · · · · · · · ·
9	and over with that I heard from people speaking	9	apologize. And she felt bad for what happened.
9 10	and over with that I heard from people speaking that that was why they were there, but the officer	9	apologize. And she felt bad for what happened. Q. Did she say anything other than
9 10 11	and over with that I heard from people speaking that that was why they were there, but the officer had never told me why they were there. They just said that they were looking for someone. Q. But they didn't tell you they were	9 10 11	apologize. And she felt bad for what happened. Q. Did she say anything other than apologizing about what happened?
9 10 11 12	and over with that I heard from people speaking that that was why they were there, but the officer had never told me why they were there. They just said that they were looking for someone. Q. But they didn't tell you they were looking specifically for a homicide or a murder	9 10 11 12	apologize. And she felt bad for what happened. Q. Did she say anything other than apologizing about what happened? A. She said that her that they were looking, I guess, for her son. Q. Did she say anything else about
9 10 11 12 13	and over with that I heard from people speaking that that was why they were there, but the officer had never told me why they were there. They just said that they were looking for someone. Q. But they didn't tell you they were looking specifically for a homicide or a murder A. They didn't say. They just said	9 10 11 12 13	apologize. And she felt bad for what happened. Q. Did she say anything other than apologizing about what happened? A. She said that her that they were looking, I guess, for her son.
9 10 11 12 13 14	and over with that I heard from people speaking that that was why they were there, but the officer had never told me why they were there. They just said that they were looking for someone. Q. But they didn't tell you they were looking specifically for a homicide or a murder A. They didn't say. They just said that they were looking for someone.	9 10 11 12 13 14 15 16	apologize. And she felt bad for what happened. Q. Did she say anything other than apologizing about what happened? A. She said that her that they were looking, I guess, for her son. Q. Did she say anything else about
9 10 11 12 13 14 15	and over with that I heard from people speaking that that was why they were there, but the officer had never told me why they were there. They just said that they were looking for someone. Q. But they didn't tell you they were looking specifically for a homicide or a murder A. They didn't say. They just said that they were looking for someone. Q. Did you learn at any point after	9 10 11 12 13 14 15 16	apologize. And she felt bad for what happened. Q. Did she say anything other than apologizing about what happened? A. She said that her that they were looking, I guess, for her son. Q. Did she say anything else about that that you can remember? A. No. Q. Ms. Alvarado, did you ever go
9 10 11 12 13 14 15	and over with that I heard from people speaking that that was why they were there, but the officer had never told me why they were there. They just said that they were looking for someone. Q. But they didn't tell you they were looking specifically for a homicide or a murder A. They didn't say. They just said that they were looking for someone. Q. Did you learn at any point after that that the person they were looking for was a	9 10 11 12 13 14 15 16 17	apologize. And she felt bad for what happened. Q. Did she say anything other than apologizing about what happened? A. She said that her that they were looking, I guess, for her son. Q. Did she say anything else about that that you can remember? A. No. Q. Ms. Alvarado, did you ever go around to the back of 4664 Torresdale while you
9 10 11 12 13 14 15 16 17 18	and over with that I heard from people speaking that that was why they were there, but the officer had never told me why they were there. They just said that they were looking for someone. Q. But they didn't tell you they were looking specifically for a homicide or a murder A. They didn't say. They just said that they were looking for someone. Q. Did you learn at any point after	9 10 11 12 13 14 15 16 17 18	apologize. And she felt bad for what happened. Q. Did she say anything other than apologizing about what happened? A. She said that her that they were looking, I guess, for her son. Q. Did she say anything else about that that you can remember? A. No. Q. Ms. Alvarado, did you ever go
9 10 11 12 13 14 15 16 17	and over with that I heard from people speaking that that was why they were there, but the officer had never told me why they were there. They just said that they were looking for someone. Q. But they didn't tell you they were looking specifically for a homicide or a murder A. They didn't say. They just said that they were looking for someone. Q. Did you learn at any point after that that the person they were looking for was a murder suspect? A. No.	9 10 11 12 13 14 15 16 17	apologize. And she felt bad for what happened. Q. Did she say anything other than apologizing about what happened? A. She said that her that they were looking, I guess, for her son. Q. Did she say anything else about that that you can remember? A. No. Q. Ms. Alvarado, did you ever go around to the back of 4664 Torresdale while you
9 10 11 12 13 14 15 16 17 18	and over with that I heard from people speaking that that was why they were there, but the officer had never told me why they were there. They just said that they were looking for someone. Q. But they didn't tell you they were looking specifically for a homicide or a murder— A. They didn't say. They just said that they were looking for someone. Q. Did you learn at any point after that that the person they were looking for was a murder suspect?	9 10 11 12 13 14 15 16 17 18 19 20 21	apologize. And she felt bad for what happened. Q. Did she say anything other than apologizing about what happened? A. She said that her that they were looking, I guess, for her son. Q. Did she say anything else about that that you can remember? A. No. Q. Ms. Alvarado, did you ever go around to the back of 4664 Torresdale while you were living there?
9 10 11 12 13 14 15 16 17 18 19 20 21 22	and over with that I heard from people speaking that that was why they were there, but the officer had never told me why they were there. They just said that they were looking for someone. Q. But they didn't tell you they were looking specifically for a homicide or a murder A. They didn't say. They just said that they were looking for someone. Q. Did you learn at any point after that that the person they were looking for was a murder suspect? A. No. Q. So you did not know that before today?	9 10 11 12 13 14 15 16 17 18 19 20 21 22	apologize. And she felt bad for what happened. Q. Did she say anything other than apologizing about what happened? A. She said that her that they were looking, I guess, for her son. Q. Did she say anything else about that that you can remember? A. No. Q. Ms. Alvarado, did you ever go around to the back of 4664 Torresdale while you were living there? A. No. Q. So you never saw how the back looked of the property?
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	and over with that I heard from people speaking that that was why they were there, but the officer had never told me why they were there. They just said that they were looking for someone. Q. But they didn't tell you they were looking specifically for a homicide or a murder A. They didn't say. They just said that they were looking for someone. Q. Did you learn at any point after that that the person they were looking for was a murder suspect? A. No. Q. So you did not know that before today? A. Well, I figured that out after	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	apologize. And she felt bad for what happened. Q. Did she say anything other than apologizing about what happened? A. She said that her that they were looking, I guess, for her son. Q. Did she say anything else about that that you can remember? A. No. Q. Ms. Alvarado, did you ever go around to the back of 4664 Torresdale while you were living there? A. No. Q. So you never saw how the back looked of the property? A. I can see it through my bedroom
9 10 11 12 13 14 15 16 17 18 19 20 21 22	and over with that I heard from people speaking that that was why they were there, but the officer had never told me why they were there. They just said that they were looking for someone. Q. But they didn't tell you they were looking specifically for a homicide or a murder A. They didn't say. They just said that they were looking for someone. Q. Did you learn at any point after that that the person they were looking for was a murder suspect? A. No. Q. So you did not know that before today?	9 10 11 12 13 14 15 16 17 18 19 20 21 22	apologize. And she felt bad for what happened. Q. Did she say anything other than apologizing about what happened? A. She said that her that they were looking, I guess, for her son. Q. Did she say anything else about that that you can remember? A. No. Q. Ms. Alvarado, did you ever go around to the back of 4664 Torresdale while you were living there? A. No. Q. So you never saw how the back looked of the property?

	Page 61		Page 63
1	Q. Can you see the door that's in the	1	Q. And you took it somewhere else to
2	back of the property from your bedroom window?	2	be cremated?
3	A. Yes.	3	A. Yes.
4	Q. What does that door look like?	4	Q. And you did that yourself?
5	A. It's a white screen door.	5	A. Yes.
6	Q. Is there anything written on it?	6	Q. About how long after the incident
7	A. No. I wasn't able to see that much	7	was that; if you can remember?
8	because it's on an angle. So I can only see a	8	A. As soon like after everybody
9	certain point.	9	left or?
10	Q. And you've never been you said	10	Q. Was it the same day that you went
11	you've never been back there, so you've never been	11	to pick up Akuma?
12	through it; correct?	12	A. Yes.
13	A. Correct.	13	Q. It was the same day.
14	Q. Ms. Alvarado, and again, I	14	And did you take Akuma to the place
15	apologize in advance. I know this is not an easy	15	to be cremated the same day?
16	• •	16	A. Yes.
	thing to talk about.	17	Q. And did you pay to have Akuma
17	But at some point the day of the	18	cremated that day?
18	incident, did the officers tell you that you could	19	A. Yes.
19	pick up the remains for Akuma?	20	Q. Was that \$143.50 that you paid?
20	A. They no.	21	A. Yes.
21	Q. Not that you can remember or do you	22	Q. And I believe you said in your
22	know that they did not tell you that you could	23	Interrogatory Responses that Akuma's blood was
23	pick up the remains for Akuma?	24	still on the floor.
24	A. Can you repeat that?		still of the floor.
	Page 62		Page 64
1	Q. Sure. Did anybody at any time from	1	Did you clean that up yourself?
2	the police that day talk to you about what you	2	A. No.
3	could do to pick up Akuma's body?	3	Q. Who did?
4	A. No.	4	A. My sister.
5	Q. Do you recall how you learned how	5	Q. Is that Yara?
6	to pick up Akuma?	6	A. Yes.
7	A. They said that they were going to	7	Q. Were any of your pets, Penelope or
8	take his body to Act well, to Act Philly.	8	your bird or cats, hurt that day, physically, I
9	Q. Is that Act, A-c-t, like Act	9	should clarify?
10	Philly?	10	A. No.
11	A. Yes.	11	Q. Now, your front door was damaged as
12	Q. Did they say what for?	12	a result of the officers coming through; is that
13	A. No. They just that's where they	13	correct?
14	took him. That's where he was going to be, I	14	A. Yes.
15	guess, cremated, so that's where they took him.	15	Q. But you did not pay for that
16	And I would have to go from there.	16	yourself; correct?
17	Q. So did you personally pick up	17	A. I called the landlord.
18	Akuma's body at any time?	18	Q. Okay. Was that you spoke to Arvin
19	A. Yes.	19	or did you speak to Leo or do you recall?
20	Q. Did you pick up his body to take to	20	A. Both.
21	be cremated or did you pick up his cremated	21	Q. You spoke to Arvin and Leo?
22	remains?	22	A. Yes.
23	A. I picked up his body to be cremated	23	Q. Do you remember how long after the
24	because they don't do it there.	24	incident, was it the same day as the incident that
	transcript done do le moro.		

	Page 65		Page 67
1	you spoke with them?	1	Do you recall any discussion with
2	A. Yes.	2	Arvin? I think you said you spoke with Arvin that
3	Q. And you remember speaking to both	3	day as well. Do you remember what you talked
4	of them?	4	about with Arvin?
5	A. I spoke to Leo because his office	5	A. What happened since he was the
6	is not far from the apartment.	6	property manager.
7	Q. Where do you know the address of	7	Q. Do you remember whether Arvin came
8	Leo's office?	8	out or if you spoke to him on the phone?
9	A. No.	9	A. He didn't come out. I just spoke
10	Q. But you said it's close by.	10	to him on the phone.
11	Do you know about how many minutes	11	Q. Can you remember anything else he
12	walk, say?	12	said about in response to you telling him what
13	A. Around the corner from it's like	13	happened?
14	his office is behind my sister's house.	14	A. I don't remember.
15	Q. And did you go over there in person	15	Q. Do you remember any conversations
16	that day?	16	with Arvin, Leo or even Mirela after that about
17	A. No. He came.	17	the markings on the property or the front door?
18	Q. Do you know how he learned about	18	A. No, I don't remember.
19	what had happened, did you contact him?	19	
20	A. No.	20	Q. Ms. Alvarado, I'm going to shift gears a little bit and talk about some of your
21	Q. So you're not sure how he learned?	21	
22	A. I'm not sure.		mental health conditions. And I don't mean to
23	Q. But you said he came to the	22	pry. It's just I have to ask these questions.
24	property that day.	23	Now, you mentioned that you were on disability at
	F F: 3 : 3	24	some point in your life.
	Page 66		Page 68
1	Were the officers still there when	,	
	Were the officers still there when	1	Do you know the condition for which
2	he arrived?	2	Do you know the condition for which the reason that you're on disability?
2 3			-
	he arrived?	2	the reason that you're on disability?
3	he arrived? A. I don't remember. I know I had to	2 3	the reason that you're on disability? A. I have a bleeding disorder that is
3 4	he arrived? A. I don't remember. I know I had to tell him about the door because I needed a new	2 3 4	the reason that you're on disability? A. I have a bleeding disorder that is hereditary. So I had it since I was a child.
3 4 5	he arrived? A. I don't remember. I know I had to tell him about the door because I needed a new door and a frame to the door.	2 3 4 5	the reason that you're on disability? A. I have a bleeding disorder that is hereditary. So I had it since I was a child. Q. Is that Von Willebrand Disease?
3 4 5 6	he arrived? A. I don't remember. I know I had to tell him about the door because I needed a new door and a frame to the door. Q. And so when Leo came you told him	2 3 4 5 6	the reason that you're on disability? A. I have a bleeding disorder that is hereditary. So I had it since I was a child. Q. Is that Von Willebrand Disease? A. Yes. Q. Do you know if there are any other
3 4 5 6 7	he arrived? A. I don't remember. I know I had to tell him about the door because I needed a new door and a frame to the door. Q. And so when Leo came you told him you needed a new door and a new frame? A. Yes.	2 3 4 5 6 7	the reason that you're on disability? A. I have a bleeding disorder that is hereditary. So I had it since I was a child. Q. Is that Von Willebrand Disease? A. Yes.
3 4 5 6 7 8	he arrived? A. I don't remember. I know I had to tell him about the door because I needed a new door and a frame to the door. Q. And so when Leo came you told him you needed a new door and a new frame? A. Yes.	2 3 4 5 6 7 8	the reason that you're on disability? A. I have a bleeding disorder that is hereditary. So I had it since I was a child. Q. Is that Von Willebrand Disease? A. Yes. Q. Do you know if there are any other conditions that are the basis of your disability,
3 4 5 6 7 8 9	he arrived? A. I don't remember. I know I had to tell him about the door because I needed a new door and a frame to the door. Q. And so when Leo came you told him you needed a new door and a new frame? A. Yes. Q. Do you remember anything else from	2 3 4 5 6 7 8 9	the reason that you're on disability? A. I have a bleeding disorder that is hereditary. So I had it since I was a child. Q. Is that Von Willebrand Disease? A. Yes. Q. Do you know if there are any other conditions that are the basis of your disability, if you know, other than Von Willebrand Disease?
3 4 5 6 7 8 9	he arrived? A. I don't remember. I know I had to tell him about the door because I needed a new door and a frame to the door. Q. And so when Leo came you told him you needed a new door and a new frame? A. Yes. Q. Do you remember anything else from that conversation that Leo told you about what had	2 3 4 5 6 7 8 9	the reason that you're on disability? A. I have a bleeding disorder that is hereditary. So I had it since I was a child. Q. Is that Von Willebrand Disease? A. Yes. Q. Do you know if there are any other conditions that are the basis of your disability, if you know, other than Von Willebrand Disease? A. Can you
3 4 5 6 7 8 9 10	he arrived? A. I don't remember. I know I had to tell him about the door because I needed a new door and a frame to the door. Q. And so when Leo came you told him you needed a new door and a new frame? A. Yes. Q. Do you remember anything else from that conversation that Leo told you about what had happened?	2 3 4 5 6 7 8 9 10	the reason that you're on disability? A. I have a bleeding disorder that is hereditary. So I had it since I was a child. Q. Is that Von Willebrand Disease? A. Yes. Q. Do you know if there are any other conditions that are the basis of your disability, if you know, other than Von Willebrand Disease? A. Can you — Q. Sure. Let me rephrase that question because it's poorly worded.
3 4 5 6 7 8 9 10 11	he arrived? A. I don't remember. I know I had to tell him about the door because I needed a new door and a frame to the door. Q. And so when Leo came you told him you needed a new door and a new frame? A. Yes. Q. Do you remember anything else from that conversation that Leo told you about what had happened? A. He asked me what happened. And I	2 3 4 5 6 7 8 9 10 11	the reason that you're on disability? A. I have a bleeding disorder that is hereditary. So I had it since I was a child. Q. Is that Von Willebrand Disease? A. Yes. Q. Do you know if there are any other conditions that are the basis of your disability, if you know, other than Von Willebrand Disease? A. Can you Q. Sure. Let me rephrase that
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3 4 5 6 7 8 9 10 11 12 13 14 15 16	he arrived? A. I don't remember. I know I had to tell him about the door because I needed a new door and a frame to the door. Q. And so when Leo came you told him you needed a new door and a new frame? A. Yes. Q. Do you remember anything else from that conversation that Leo told you about what had happened? A. He asked me what happened. And I told him. Q. And did Leo say anything else in response that you can remember? A. Not that I can remember. Q. Do you know about how long it took	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	the reason that you're on disability? A. I have a bleeding disorder that is hereditary. So I had it since I was a child. Q. Is that Von Willebrand Disease? A. Yes. Q. Do you know if there are any other conditions that are the basis of your disability, if you know, other than Von Willebrand Disease? A. Can you Q. Sure. Let me rephrase that question because it's poorly worded. Do you know if there are any other reasons that you're on disability other than having the Von Willebrand Disease? A. Yes. Q. What are those?
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	he arrived? A. I don't remember. I know I had to tell him about the door because I needed a new door and a frame to the door. Q. And so when Leo came you told him you needed a new door and a new frame? A. Yes. Q. Do you remember anything else from that conversation that Leo told you about what had happened? A. He asked me what happened. And I told him. Q. And did Leo say anything else in response that you can remember? A. Not that I can remember. Q. Do you know about how long it took for Leo or anyone to replace your door that day? A. I don't remember the exact timing of how long from the incident. I can't give you a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	the reason that you're on disability? A. I have a bleeding disorder that is hereditary. So I had it since I was a child. Q. Is that Von Willebrand Disease? A. Yes. Q. Do you know if there are any other conditions that are the basis of your disability, if you know, other than Von Willebrand Disease? A. Can you Q. Sure. Let me rephrase that question because it's poorly worded. Do you know if there are any other reasons that you're on disability other than having the Von Willebrand Disease? A. Yes. Q. What are those? A. I had it since I was a child because of when I was baby I caught the German measles. So ever since I was a child I always
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	Page 69		Page 71
1	A. Not that I know of.	1	A. I was a child, the first time I
2	Q. So, as far as you're aware, you're	2	ever saw a therapist for depression and anxiety.
3	not on disability due to any mental health	3	Q. Have you since that time seen
4	conditions; is that right?	4	someone regularly or is it sporadic?
5	A. Well, as far as a learning	5	And I can try and clarify it.
6	disability when I was a child.	6	Have you ever had a regular
7	Q. Do you, and if you don't know, this	7	appointment, like a monthly appointment or a
8	is okay.	8	weekly appointment with a mental health
9	Do you know anything more specific	9	professional about depression or anxiety?
10	about what the learning disability is, attention	10	A. Yes, when I was yes.
11	deficit disorder or anything more specific?	11	Q. Was that when you were a child?
12	A. I don't remember. So I don't	12	A. And as an adult.
13	recall.	13	Q. So as an adult, when's the first
14	Q. Prior to the June 2021 incident	14	time that you had a regular appointment with a
15	we've been talking about, were you seeing any	15	mental health professional?
16		16	A. I don't remember.
	mental health professionals, any social workers or	17	Q. Do you remember the name or the
17	psychiatrists or anyone to mental health for any	18	place where you could go as an adult for mental
18	mental health condition?	19	health treatment?
19	A. No.	20	A. It's the building is no longer.
20	Q. So after the incident, did you	21	Like right after my mom died, but the building,
21	start to see someone for mental health issues?	22	they closed, so they're no longer there.
22	A. Yes, I would because of the	23	Q. Do you remember was it in
23	pandemic. So I couldn't well, when I was	24	Philadelphia?
24	before that.		
	Page 70		- 50
	5		Page 72
1	Q. So you started to see someone after	1	A. Yes.
1 2	_	1 2	
	Q. So you started to see someone after		A. Yes.
2	Q. So you started to see someone after the pandemic?	2	A. Yes. Q. Do you remember where in
2	Q. So you started to see someone after the pandemic? A. Like prior to well, since I had	2	A. Yes. Q. Do you remember where in Philadelphia that was?
2 3 4	Q. So you started to see someone after the pandemic? A. Like prior to well, since I had it since I was a child and I've always struggled	2 3 4	A. Yes. Q. Do you remember where in Philadelphia that was? A. It was on 5th and Allegheny.
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3 Q. Do you remember when you stopped 4 going to 5th and Allegheny, how many years ago 5 that was? 5 A. Yes 6 A. No. 6 Q. Dic 7 Q. Can you remember any other places 7 deal with any	about depression and anxiety? s. d you also go to those places to learning conditions that you had?
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5 that was? 5 A. Yes 6 A. No. 6 Q. Dic 7 Q. Can you remember any other places 7 deal with any	s. d you also go to those places to learning conditions that you had?
7 Q. Can you remember any other places 7 deal with any	learning conditions that you had?
7 Q. Can you remember any other places 7 deal with any	learning conditions that you had?
	•
	st depression and anxiety?
	st depression and anxiety.
11 MR. WEST: I'll ask for 11 Q. All	right. Ms. Alvarado, I want to
12 clarification. 12 direct your att	tention back to the Interrogatory
13 Is your question any other place 13 Responses. A	And, in fact, I can just ask you. I
	ou need to take a look right yet.
15 MR. ZURBRIGGEN: Yes, absolutely. 15 Hold on. I thi	ink in one of your Interrogatory
16 BY MR. ZURBRIGGEN: 16 Responses yo	ou noted treating with a Robert Willis
	ealth Clinic in Philadelphia.
18 A. Ever. I've been to a lot of 18 Do y	you recall Mr. Willis?
19 different places. But as far as the exact timing, 19 A. I'm	actually still with Mr. Willis.
20 I went to one on 5th Street on I think it's 5th 20 I'm still going	to the office.
21 and Cayuga. And then I went to one on Allegheny, 21 Q. Do	you remember when the first time
22 C, I think it's C and Allegheny. 22 you visited wi	ith Mr. Willis?
23 MR. WEST: Do you need the 23 A. Tha	at was after because of the
24 spelling? 24 pandemic, even	erything was so you couldn't really
Page 74	Page 76
	st or anything like that. So I was
2 BY MR. ZURBRIGGEN: 2 able to find or	-
	ou mentioned the pandemic.
	t was July of 2020; right?
	. When I was able to get an
	with a therapist.
	d that was in July of 2020?
8 yeah. Those are the only ones that I remember. 8 A. July	
	. WEST: Do you know what year?
10 you would have gone to 5th and Cayuga was, how 10 THE 11 many years ago? 11 BY MR. ZUF	E WITNESS: No, I don't remember.
	you remember if you first met
	is before the incident with Akuma in
14 before this incident that you stopped going, I 14 June 2021?	no octore the includit with Akullia III
15 should say? 15 A. No.	
	it was after the incident that
17 Q. Okay. And then how about the place 17 you first saw l	
18 at C and Allegheny, do you remember the last time 18 A. Yes	
	w long I'm sorry.
	v frequently did you meet with
21 Q. Do you remember if it was before 21 Mr. Willis?	, J J
	ery two weeks.
	d that's been every two weeks
Q. Do you remember the names of any of 24 since you've s	
	l

	Page 77		Page 79
1	A. In telehealth.	1	(Whereupon, a pertinent portion of
2	Q. So you meet with Mr. Willis by	2	the record was read back by the court
3	telehealth?	3	reporter.)
4	A. Yes.	4	
5	Q. Did you ever meet with Mr. Willis	5	BY MR. ZURBRIGGEN:
6	in person?	6	Q. Ms. Alvarado, I want to ask have
7	A. Yes.	7	you ever taken any medication for the depression
8	Q. And is it every two weeks that you	8	and anxiety you have?
9	do the telehealth or any appointments?	9	A. When I was feel bad.
10	A. Any appointments.	10	Q. Do you recall what the medication
11	Q. And how do you determine whether	11	was?
12	it's telehealth or not, is it just a scheduling	12	A. No. The medication used to work
13	thing?	13	the opposite on me. So we tried to I want
14	A. It's on their end because of, once	14	through a lot of medications.
15	again, the pandemic.	15	Q. As an adult, can you remember
16	Q. And you still see Mr. Willis now?	16	taking medication as an adult for depression or
17	A. Yes.	17	anxiety?
18	Q. And if you don't know, that's okay.	18	A. No. They prescribed it to me.
19	But, as far as you know, have you	19	Q. What was prescribed to you?
20	seen Mr. Willis every two weeks approximately	20	A. I don't remember the name of it.
21		21	It was the one that they prescribed to me
22	since the incident? Have you ever had let me	22	recently. I don't have it. I don't know the name
	ask it this way.	23	of it.
23	Has there ever been any time that	24	Q. I saw in your Interrogatory
24	you stopped seeing Mr. Willis from the time of the		
	Page 78		Page 80
1	incident until now?	1	Responses I think at some point you were
2	A. No.	2	prescribed Duloxetine.
3	Q. Is there any other individual other	3	Does that sound correct?
4	than Mr. Willis and the places we talked about	4	A. Yes.
5	earlier at 5th and Cayuga and C and Allegheny	5	Q. Do you remember whether that was
6	where you've seen a mental health professional	6	Mr. Willis that do you know who I'm sorry,
7	that you can recall?	7	let me just ask it this way.
8	A. That I can recall, no.	8	Do you know who prescribed you the
9	Q. And so	9	Duloxetine?
10	A. Please.	10	A. Yes.
11	Q. Please, go ahead.	11	Q. Who was that?
12	A. Before you ask me the next	12	A. My primary doctor.
13	question, could I go to the bathroom?	13	Q. What's the name of your primary
14	Q. One hundred percent. Let's take a	14	doctor?
15	break.	15	A. It was because they he's no
16	MR. WEST: Sure.	16	longer there. So then the doctor switched. So
17		17	then I I forget the new doctor who prescribed
18	(Whereupon, a discussion took place	18	me the medication, her name. Thomas Lubin was my
19	off the stenographic record.)	19	primary doctor. And then he switched me to I
20		20	can't believe I forgot the name. Thomas Lubin was
21	MR. ZURBRIGGEN: Back on the	21	my from Einstein.
22	record. Actually, I do need my last	22	Q. And that's Einstein Hospital or
23	question. I'm so sorry.	23	Medical Center?
24		24	A. Medical Center.

	Page 81		Page 83
1	Q. Do you know where's that's located?	1	medication because of the side effects.
2	A. Mayfair.	2	O. And what were the side effects that
3	Q. How often would you go see I'm	3	you experienced from the drug?
4	sorry. Is Lubin L-u-b-i-n; if you know?	4	A. It was headaches and it upset my
5	A. Yes.	5	stomach.
6	Q. How often would you go see Dr.	6	Q. Did you tell that to the doctor,
7	Lubin at the time around the time you were	7	the doctor that replaced Dr. Lubin?
8	prescribed Duloxetine?	8	A. Yes, yes.
9	A. Often because I had a I have	9	Q. Did that doctor provide any
10	health problems. So I would go because of pain	10	alternative recommendations?
11	and just on regular visits, checkups.	11	A. No.
12	Q. So Dr. Lubin treated you not just	12	Q. The natural herbs that you
13	for anxiety and depression, but for other issues	13	described, was that the doctor's recommendation or
14	not related to mental health?	14	did you get that from someone else?
15	A. Correct.	15	A. I did the research.
16	Q. And you said Dr. Lubin has since	16	Q. Just online on the Internet?
17	left and you have a new primary care doctor?	17	A. Online.
18	A. Yes.	18	Q. Do you know what the herbs are that
19	Q. But you don't remember that	19	you take?
20	person's name?	20	A. Reishi mushrooms, mood enhancers.
21	A. No.	21	It's supposed to help with your mood.
22	Q. How often do you go in now to see	22	Q. Any others?
23 24	that person?	23	A. Just that one, yeah, just that one.
24	A. Now, I haven't went in the last	24	Q. How often do you take the Reishi
	Page 82		Page 84
1	time I went was when she prescribed me the	1	mushrooms?
2	medication.	2	A. Every day in a smoothie.
3	Q. The medication being the	3	Q. Is there anything else that you
4	Duloxetine?	4	take other than the Reishi mushrooms for your
5	A. Yes.	5	anxiety and depression right now?
6	Q. And so it was this other person and	6	A. No.
7	not Dr. Lubin that prescribed you the Duloxetine	7	Q. And putting aside the herbs that
8	or you're not sure?	8	you mentioned for purposes of anxiety and
9	A. It was she prescribed it to me	9	depression, do you take other medication regularly
10	because he was in the process of leaving.	10	for your non-mental health issues?
11	O I was do not on d	11	A. No.
	Q. I understand.		A. NO.
12	Do you recall approximately when	12	Q. So you don't take any medication
	Do you recall approximately when that was, was it 2021, 2022?		
12	Do you recall approximately when that was, was it 2021, 2022? A. It was 2022.	12	Q. So you don't take any medicationbesides the herbs currently; correct?A. Correct.
12 13	Do you recall approximately when that was, was it 2021, 2022? A. It was 2022. Q. And you've never taken the	12 13 14 15	Q. So you don't take any medicationbesides the herbs currently; correct?A. Correct.Q. I'm just going to very briefly
12 13 14 15 16	Do you recall approximately when that was, was it 2021, 2022? A. It was 2022. Q. And you've never taken the Duloxetine even though it's been prescribed to	12 13 14 15 16	 Q. So you don't take any medication besides the herbs currently; correct? A. Correct. Q. I'm just going to very briefly shift gears, Ms. Alvarado, and then I'll be done,
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12 13 14 15 16 17 18 19 20 21 22	Do you recall approximately when that was, was it 2021, 2022? A. It was 2022. Q. And you've never taken the Duloxetine even though it's been prescribed to you; right? A. I took it. I took it. Q. How long did you take it? A. For I didn't like the side effects of it. So I took it for a month. And then I got natural herbs where it would help	12 13 14 15 16 17 18 19 20 21 22	Q. So you don't take any medication besides the herbs currently; correct? A. Correct. Q. I'm just going to very briefly shift gears, Ms. Alvarado, and then I'll be done, I promise. I want to ask you, going back to Plaintiff's-1, that's this photograph of your front door, you never posted any sign in terms of like with beware of dog or anything on your door about having a dog; correct?

	Page 85		Page 87
1	But the question is, yes.	1	BY MR. WEST:
2	Q. Yes. So do you know when you put	2	Q. Just to clarify, the beware of dog
3	up that sign, was it when you first moved in?	3	sign, do you believe that that sign was still
4	A. Yes, unless the cats knocked it	4	posted on the date of the incident?
5	down, but I had the sign up.	5	A. Yes.
6	Q. To your recollection, was that sign	6	Q. And then there's one other thing I
7	up on the date of the incident?	7	was confused about. All right.
8	A. I thought it was.	8	So correct me if I'm wrong, but I
9	Q. But and then I just want to a last	9	believe you testified that on the date of the
10	exhibit on this.	10	incident you had a job at CRC Warehouse; is that
11	Well, before I do that, do you	11	right?
12	recall at any point taking that sign down?	12	A. Yes.
13	A. I don't recall, no.	13	Q. Did you go to work on the day of
14	Q. And then I'm just going to mark one	14	the incident?
15	final exhibit. I think I'm up to Plaintiff-4.	15	A. No.
16	Okay.	16	Q. Why not?
17	MR. ZURBRIGGEN: I'm going to show	17	A. Because of the incident.
18	this to Ms. Alvarado. And here's a copy	18	Q. Okay. I think you testified that
19	for you, Keith. But, just for the	19	you were up and taking a shower at the time the
20	record, this is a printout from Google	20	police officers entered your home; correct?
21	Maps. The date of the view is April	21	A. Yes.
22	2022.	22	Q. Were you getting ready for work at
23	BY MR. ZURBRIGGEN:	23	that time?
24	Q. Now, Ms. Alvarado, you moved out of	24	A. Yes.
	Page 86		
			Page 88
1	the building, you said, in August of 2021;	1	Q. And then I think you testified that
1 2	the building, you said, in August of 2021; correct?	2	Q. And then I think you testified that you got fired two weeks after the incident?
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2 3 4	the building, you said, in August of 2021; correct? A. Yes. Q. And this is the front door of what	2 3 4	Q. And then I think you testified that you got fired two weeks after the incident? A. Yes, correct. Q. Do you know why you got fired?
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1	wasn't really clear.	1	MR. ZURBRIGGEN: Two weeks, okay.
2	So is it your understanding from	2	BY MR. ZURBRIGGEN:
3	your employer, CRC, that you were fired because	3	Q. And what's the name of your manager
4	you missed work on the date of this incident, June	4	or supervisor at CRC?
5	4, 2021?	5	A. Jason. There was three of them.
6	A. No.	6	Q. Do you know Jason's last name?
7	Q. What was your understanding of why	7	A. No.
8	you were fired?	8	Q. Do you know the other two
9	A. Because I was missing too many	9	supervisors?
10	days.	10	A. Chris Gumphrey.
11	Q. How many days did they say that you	11	Q. Gumphrey with a G?
12	had missed?	12	A. Yes.
13	A. I kept calling it was like I	13	Q. And do you know the other?
14	missed because after more than three days they	14	A. Jason, did I say Jason?
15	give you a write-up.	15	Q. You said Jason and you said two
16	Q. Before the date of this incident,	16	others, I think, Chris.
17	had you been written up?	17	And was there another individual?
18	A. No. I explained to them what was	18	A. I don't remember, but the ones that
19	going on. So they were aware of the situation.	19	I used to call out to was Jason and Chris.
20	But they still had to let me go because I missed	20	Q. Were they the
21	too many days.	21	A. They were the floor managers.
22	Q. What was the situation that you	22	Q. I understand.
23	described to them?	23	When you were fired, was it Jason
24	A. How my dog got shot and how I was	24	or Chris that talked to you?
	Page 90		Page 92
1	going through a lot of emotions and I was	1	A. Jason.
2	depressed. And I was sad. And it was hard for me	2	Q. Jason, okay.
3	to get myself together to be able to focus to do	3	
1] 3	MR. ZURBRIGGEN: I think that's all
4	the job correctly.	4	MR. ZURBRIGGEN: I think that's all I have unless he has any further
5	the job correctly. Q. I understand.		I have unless he has any further follow-ups.
5 6	the job correctly. Q. I understand. And so you missed days after the	4 5 6	I have unless he has any further follow-ups. MR. WEST: No, I'm not going to
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2		
3	CERTIFICATION	
4		
5	I, DOUGLAS S. DIAMOND, hereby	
6	certify that the foregoing is a true and correct	
7	transcript transcribed from the stenographic notes	
8	taken by me on Friday, August 11, 2023.	
9		
10 11		
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12	Court Reporter - Notary Public	
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EXHIBIT "B"

PO Box 128

Linwood, New Jersey 08221

Glenn Garrels - Use of Force / Police Practices Consultant

FELISHATAY ALVARADO : Civil Action

Plaintiff, : No. 22-3763

v. :

City of Philadelphia, et al., :

Defendants :

Expert Report of Glenn Garrels of Force Analysis LLC pertaining to the incident that occurred on June 4, 2021.

Excellence in Use of Force Encounters

Page **2** of **57**

October 27, 2023

Mr. David Keith
The Victim's Recovery Loss Center
121 South Broad Street
Philadelphia, Pennsylvania

Dear Mr. Keith,

I have reviewed the documents and submitted material provided to me concerning the incident that occurred on June 4, 2021. I have formulated seven opinions that I hold to a reasonable degree of probability and certainty in the field of police practices upon my training and experience:

- 1. SWAT officers from the Philadelphia Police Department violated the 4th Amendment rights of Felishatay Alvarado by illegally entering into her 1st floor, front apartment without having the legal authority to do so while executing a search warrant for a defendant believed to be located inside the 2nd floor, rear apartment which was also a violation of policies and procedures of the Philadelphia Police Department.
- 2. SWAT officers from the Philadelphia Police Department violated the 4th Amendment rights of Felishatay Alvarado by executing the search warrant by forcibly ramming the door and not allowing her a reasonable amount of time to voluntarily surrender her residence which was also a violation of policies and procedures of the Philadelphia Police Department.
- 3. Lieutenant Monk and Sergeant Mellody failed to supervise the operation properly from the "recon" of the residence to the execution of the search warrant.
- 4. The Philadelphia Police Department improperly investigated this incident and provided inconsistent information about what had occurred pertaining to the execution of the search warrant and breach of the residence of Felishatay Alvarado.
- 5. The Philadelphia Police Department violated Felishatay Alvarado's 4th Amendment rights when Officer Song discharged his firearm mortally wounding the dog that was considered property

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- policies and procedures of the Philadelphia Police Department. of Felishatay Alvarado by not allowing her time to secure her dog which was also a violation of
- 6 The Philadelphia Police Department failed to follow nation standards in the planning and execution of this search warrant.
- .7 The Philadelphia Police Department failed to train its officers on policies and how to deal with

additional information not reviewed at the time this report was completed.

Sincerely,

Green the right to add, change, and delete any of my opinions base and the time this report was completed.

Sincerely,

Green the right to add, change, and delete any of my opinions base and the time this report was completed. dog encounters.

dog en

Glenn Genelo

29-2 tGlenn Garrels
emporce Analysis LLC

Case 2:22-cv-03763-JFM

Phone: 609-214-6449

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Introduction

I was a member of the New Jersey State Police for twenty-two years as a member of the 121St State Police Class which graduated on April 24, 2001. I last held the rank of Lieutenant and was assigned as the Unit Head of the Special Investigations Unit at the Casino Gaming Bureau. My experience included 4 years as a Road Duty Trooper assigned to the Field Operations Section in Troop "A" which encompassed southern New Jersey from 2001 through 2005. During that time, I was assigned to the Bellmawr, Port Norris, and Woodbine Stations before being transferred to the Tactical Patrol Unit. As a road duty Trooper, my duties and responsibilities included conducting motor vehicle accident investigations and enforcing motor vehicle laws under Title 39. I also conducted criminal investigations concerning property thefts, burglaries, sex assaults, assaults, robberies, weapon offenses, and narcotics under the New Jersey Criminal Code Title 2C. I prepared several narcotic search warrants that led to the recovery of narcotics and U.S. currency. I have a vast knowledge of identifying confidential informants and utilizing them to solve open criminal investigations.

While assigned to the Field Operations Section, I had temporary tenures in the Alcohol Beverage Control Unit where I investigated alcohol related crimes under Title 33 and licensed premise investigations under Title 13. These investigations also involved working in an undercover capacity concerning alcohol, narcotics, and gambling investigations. I also worked temporarily as a station detective in the Criminal Investigation Office in Troop "A" where I conducted extensive and complex criminal investigations.

In January of 2006, I was transferred to the Digital Technology Investigations Unit where I conducted criminal investigations into the possession and distribution of child pornography and other crimes against children. I received training in the recovery and analyzation of digital evidence.

In September of 2006, I was then transferred to the Major Crime South Unit where I was responsible for investigating suspicious deaths, homicides, in-custody deaths, and deadly force incidents which mainly consisted of officer involved shootings. It was here I honed my skills and expertise in force encounters. I was a member of the Major Crime South Unit for fourteen years and was a Detective, Detective Sergeant, Detective Sergeant First Class, and Lieutenant all within the unit. I was a case detective, case manager, and incident commander during these complex and high-profile investigations. During this time, I was also assigned to the New Jersey Attorney General's Shooting Response Team. I was involved in nearly one hundred Deadly Force / In-Custody Death Investigations. I have testified in Grand Juries, Motions, and Trials pertaining to these investigations.

I was temporarily assigned to the New Jersey State Police Academy for the 158th State Police Class in 2018. I instructed recruits on the New Jersey Criminal Code, Constitutional Law pertaining to search and seizure, and conducting criminal investigations. During my tenure as a detective over approximately eighteen years, I had extensive knowledge in preparing search warrants affidavits and their constitutional requirement pertaining to residences, vehicles, cell phone call detail records, clothing, and other evidence vital to investigations. I have also supervised countless search warrant preparations and executions during that time. I attended yearly training in search and seizure issues as part as being a New Jersey State Trooper.

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I have attended training from around the country in the areas of how to conduct officer involved shooting investigations and deadly force incidents, and the different disciplines in those areas. I also became a use of force instructor through the Federal Law Enforcement Training Center (FLETC) and currently instruct Police and Correction recruits in the standard of force at the Atlantic County Police Academy. I have also instructed on how to conduct officer involved shooting investigations to different law enforcement agencies around the State of New Jersey. I have also attended several different trainings and certifications in the human performance in force encounters. Understanding these principles can greatly affect how an individual can perceive and respond to a force encounter.

Prior to becoming a New Jersey State Trooper, I was a Campus Police Officer with the Commonwealth of Massachusetts, Department of Mental Health. I was assigned to an out-patient Mental Health Facility where I provided police and security for the employees, visitors, and patients. This included interacting with patients daily and providing restraints on patients who were in crisis. I have attended training on dealing with mentally ill individuals by the Massachusetts Police Training Commission as well as training in non-violent self-defense by the Department of Mental Health. I have completed annual training for the New Jersey State Police that pertains to dealing with mentally ill. As a Road Duty Trooper, I assisted and handled dozens of cases dealing with individuals who were in crisis and needed a psychiatric evaluation.

Instruction:

Supervisor's Review of Use of Force – JA Mongomery Consulting -	2023 - Present
Use of Force Instructor – Atlantic County Police Academy -	2019 - Present
Investigating Officer Involved Shootings/Deadly Force -	2014 - Present

Education:

Master of Science Degree, Criminal Justice Administration - Western New England College, 1998 Bachelors of Art Degree, Criminal Justice - Curry College, 1997 Associate in Science Degree, Massasoit Community College, 1995

March 2010

Commendations/Awards:

Mary Langary State Delice / Latter of Descention

New Jersey State Police / Letter of Recognition	March 2018
200 Club of Burlington County / Meritorious Service Award	February 2018
New Jersey State Police / Unit Certificate of Commendation	September 2017
New Jersey State Police / Letter of Commendation	July 2017
New Jersey State Police / Unit Certificate of Commendation	March 2017
New Jersey State Police / Unit Certificate of Commendation	March 2016
New Jersey State Police / Trooper of the Year	December 2015
Burlington County / Pro Cops Award	August 2015
New Jersey State Police / Unit Certificate of Commendation	April 2014
New Jersey State Police / Unit Certificate of Commendation	October 2008

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New Jersey Attorney General's Award

December 2008

Association Membership

New Jersey Homicide Investigator's Association Association of Force Investigators Human Factor & Ergonomics Society International Association of Chiefs of Police New Jersey Licensed Private Investigator's Association

Legal Guiding Principles - This section contains foundational information for the basis of my opinions.

Fourth Amendment: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.¹

<u>Pennsylvania Constitution</u>; <u>Article 1, Section 8: Security from Searches & Seizures</u>: The people shall be secure in their person, houses, papers, and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath of affirmation subscribed to by the affiant.²

Pennsylvania Rules of Criminal Code, Rule 207 which states;

"Rule 207 - Manner of Entry into Premises

- (A) A law enforcement officer executing a search warrant shall, before entry, give, or make reasonable effort to give, notice of the officer's identity, authority, and purpose to any occupant of the premises specified in the warrant, <u>unless exigent circumstances require the officer's immediate forcible entry</u>.
- (B) Such officer shall await a response for a <u>reasonable period of time</u> after this announcement of identity, authority, and purpose, unless exigent circumstances require the officer's immediate forcible entry.
- (C) If the officer is not admitted after such reasonable period, the officer may forcibly enter the premises and may use as much physical force to effect entry therein as is necessary to execute the search.³

See generally *Commonwealth v. DeMichel*, 277 A.2d 159 (Pa. 1971) with regard to paragraphs (A) and (B). Concerning paragraph (C), see *Commonwealth v. Newman*, 240 A.2d 795 (Pa. 1968)."

¹ Fourth Amendment, United States Constitution

² Pennsylvania Constitution; Article 1, Section 8:

³ Pennsylvania Rules of Criminal Code, Rule 207

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Pennsylvania Rules of Criminal Code, Rule 205, which states:

"Rule 205, Contents of Search Warrant

- (A) Each search warrant shall be signed by the issuing authority and shall:
- (1) specify the date and time of issuance;
- (2) identify specifically the property to be seized;
- (3) <u>name or describe with particularity the person or place to be searched;</u>
- (4) direct that the search be executed either;
- (a) within a specified period of time, not to exceed 2 days from the time of issuance, or;
- (b) when the warrant is issued for a prospective event, only after the specified event has occurred.⁴

Incident Summary

On June 4, 2021, officers from the Philadelphia Police Department executed a search warrant at the residence of Felishatay Alvarado located on the front, 1st floor apartment of 4664 Torresdale Street in Philadelphia, Pennsylvania. This search warrant was a continuing investigation into an arrest warrant for a suspect in a homicide case that did not include Felishatay Alvarado or her residence. The search warrant was authorized for the rear, 2nd floor apartment of 4664 Torresdale Avenue. When officers breached the front door of her apartment with a knock and announce search warrant after only a brief period, they encountered Felishatay Alvarado and her service door. One officer discharged his firearm at the service dog mortally wounding it while other officers cleared the remainder of the residence. When officers realized they had made a mistake, they exited the apartment and walked to the rear of the building and entered into the rear door which led to the 2nd floor, rear apartment. The suspect was not located at that time.

Document Listing

The following were the documents I reviewed pertaining to this incident:

- 1. Axon Capture Video 2021-06-04 070917
- 2. Axon_Capture_Video_2021-06-04_071356
- 3. Axon_Capture_Video_2021-06-04_072135
- 4. Surveillance video A09_20210604053500_001.mp4 (rear of building)
- 5. Surveillance video A10_20210604053500_002.mp4 (Deli at front of building)

6. Use of Force / Hospital Case Summary D000001
7. Warrant of Arrest D000002

8. Philadelphia Police Department Officer Involved Shooting Investigation D000003-D000010

⁴ Pennsylvania Rules of Criminal Code, Rule 205

For the control of th	Da O (E.7
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Unit Final Report prepared by Detective Horn, Report OIS# PS21-05	
9. Officer Involved Shooting Investigation Unit Summary	D000011
10. Complaint of Incident Report dated 6/4/21	D000012
11. Complaint or Incident Report prepared by Officer Hamoy dated 6/4/21	D000013
12. Warrant of Arrest / Affidavit	D000014-D000018
13. Philadelphia Police Department Consent to Search dated 6/4/21	D000019
14. Crime Scene Log	D000020-D000021
15. Statement of Officer Burkitt	D000022-D000023
16. Statement of Officer Ashford	D000024-D000025
17. Statement of Officer Scott	D000026-D000028
18. Statement of Officer Murray	D000029-D000031
19. Statement of Officer Riotto	D000032-D000034
20. Statement of Sergeant Mellody	D000035-D000038
21. Statement of Officer Smith	D000039-D000040
22. Statement of Officer Clark	D000041-D000042
23. Statement of Lieutenant Monk	D000043-D000045
24. Civilian Interview Sheet OIS	D000046
25. Statement of Officer Rivera	D000047-D000048
26. Statement of Officer Saba	D000049-D000050
27. Statement of Officer Hamoy	D000051
28. Statement of Officer Fitzpatrick	D000052-D00054
29. Statement of Officer Quintana	D000055
30. Property Receipt	D000056-D000057
31. Search Warrant	D000058-D000060
32. Internal Affairs Statement of Sergeant Mellody	D000061-D000064
33. Internal Affairs Statement of Detective Scully	D000065-D000067
34. Internal Affairs Statement of Detective Graf	D000068-D000071
35. SWAT Unit Recon Sheet	D000072-D000075
36. PPD Mugshot Profile	D000076
37. Firearms Identification Unit Lab Report	D000077-D000078
38. Scene Photographs	D000079-D000100
39. Complaint or Incident Report dated 6/4/21 prepared by Officer Vega	D000101
40. Stray Contact Sheet from Animal Control	D000102-D000104
41. Officer Involved Shooting Contact Sheet	D000105-D000109
42. Memorandum from Commanding Officer of Internal Affairs	D000110-D000120
43. OIS Investigation Unit Report prepared by Detective Horn	D000121-D000122
44. PPD Case Report	D000123-D000124
45. Internal Affairs Statement of Officer Song with Diagram	D000125-D000131

46. Firearms Identification Unit Lab Report

D000132-D000133

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47. Property Report	D000134
48. Crime Scene Report	D000135-D000138
49. Complaint of Incident Report dated 6/4/21 prepared by SGT Williams	D000139
50. Incident History Report	D000140-D000143
51. Email from LT Hendershot dated 6/4/21	D000144
52. Memo dated 6/11/21 Commanding Officer, Firearms Unit	D000145
53. Defendant City of Philadelphia's Answers and Objections to Plaintiff I	nterrogatories and Requests for
Production of Documents	17 pages
54. Defendant Police Officer Edward Song's Answers and Objections to	Plaintiff's Interrogatories and
Requests for Production of Documents	16 pages
55. Civil Complaint	25 pages
56. PPD Wanted Person Directive 5.17 dated 11/20/00	
57. PPD Body Worn Camera (BWC) Directive 4.21 dated 5/20/19	
58. PPD Arrest Warrant Directive 5.22 dated 9/1/20	
59. PPD Use of Force Review Board Directive 10.4 dated 2/5/21	
60. PPD Use of Force - Involving the Discharge of a Firearm Directive 10.1 dated 5/13/21	
61. PPD Search Warrant Directive 5.7 dated 4/29/16	D000154-D000193
62. PPD Disciplinary Procedures Directive 8.6 dated 5/1/10	D000194-D000208 D000209
63. PPD Firearms Training Sheet for Officer Song dated 6/9/21	D000209 D000210-D000211
64. PPD Officer Involved Shooting Invest Unit (Repeated)	
65. PPD Training Bureau Firearms Training Unit 66. Mome from Commanding Officer Firearms Training	D000212 D000213
66. Memo from Commanding Officer Firearms Training dated 6/11/21	D000213
67. Memo from Corporal Francis Rogalski dated 6/10/21	D000214
68. Firearms Training Unit Policy #8	D000215-D000216
PPD Directive 10.1	D000217-D000219
69. PPD SOP #18 (Revised 2/24/20) SWAT Unit	D000220-D000222
Room Clearing Techniques	
70. PPD SOP #26 SWAT Unit Operational Planning	D000223-D000225
71. PPD SOP #28 SWAT Unit Reconnaissance & Intelligence (Revised 4/11/19)	D000226-D000228
72. PPD SOP #30 SWAT Unit Warrant Threat Level Guidelines	D000229
73. PPD SOP #31 SWAT Unit Warrant Service	D000230-D000232
(Revised 10-20-22)	
74. PPD SOP #36 SWAT Unit Dog Neutralization Policy	D000233-D000234
75. City of Philadelphia Response Letter dated 5/5/23	
76. PPD Directive 8.2 Civil Suits dated 1/6/05	
77. Dog Encounters Training	D000235-D000241

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Excellence in Use of Force Encounters Page **11** of **57** 78. Pennsylvania Law Enforcement Accreditation Commission D000242-D000243 Date October 28, 2021 79. Transcript deposition of Officer James Ashford dated 5/22/23 80. Transcript deposition of Officer Matthew Fitzpatrick dated 5/17/23 81. Transcript deposition of Lieutenant Demetrius Monk dated 5/19/23 82. Transcript deposition of Officer Heriberto Quintana dated 5/23/23 83. Transcript deposition of Officer Phillip Riotto dated 5/22/23 84. Transcript deposition of Officer Patrick Saba dated 5/16/23 85. Transcript deposition of Officer Edward Song dated 5/15/23 86. Ashford Exhibit 1 & Riotto Exhibit 1 87. SWAT Unit Recon Sheet D000244-000249 (Different than D000072-D000075 as 246-249 were added) 88. Police Internal Affairs Files D000250-000336 89. Video PS 21-05 4664 Torresdale Avenue (Inside Bing) 90. Riotto Exhibit 1 91. Saba Exhibits 1 (D000137), 2, 3 (D000172-173) 92. Songs Exhibits 1, 2 D000235-240 93. Training Records of officers involved D000337-644 94. Alvarado Exhibit 1 – Photograph of apartment front door 95. Alvarado Exhibit 1 96. Internal Affairs files for officers involved (unredacted) D000645-731 97. Shannon Exhibit 1 98. Exhibits for Scott 99. Exhibits for Graff 100. Hamoy Exhibits 101. Home Investigation Interview Report 102. Matteo Exhibits 103. Rivera Exhibits Murray Exhibits 1 104. 105. Photo 1 106. Photo 2 107. Photo 3 108. Photo 4 109. Photo 5 110. Plaintiff Photos 1-4 111. Burkett Exhibits 1-7 112. Scally Exhibits 1-3

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113.

Sergeant Mellody Exhibits

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- 114. Transcript Deposition of Felishatay Alvarado dated 8/11/23
- 115. Transcript Deposition of Yara Alvarado dated 8/28/23
- 116. Transcript Deposition of Officer Joshua Burkitt dated 9/20/23
- 117. Transcript Deposition of Officer Eric Clark dated 9/21/23
- 118. Transcript Deposition of Detective Francis Graf dated 9/28/23
- 119. Transcript Deposition of Officer Jose Hamoy dated 8/17/23
- 120. Transcript Deposition of Jaclyn Matteo-Hand dated 9/27/23
- 121. Transcript Deposition of Sergeant Kevin Mellody dated 10/11/23
- 122. Transcript Deposition of Officer Brian Murray dated 8/11/23
- 123. Transcript Deposition of Officer Miguel Rivera dated 8/18/23
- 124. Transcript Deposition of Detective Timothy Scally dated 9/28/23
- 125. Transcript Deposition of Officer Cypian Scott dated 9/21/23
- 126. Transcript Deposition of Dana Shannon dated 9/15/23
- 127. Transcript Deposition of Sergeant Michael Cerruti dated 10/16/23
- 128. Cerruti exhibit 1
- 129. Defendant Motion for Summary Judgement dated 10/17/23

Method of Analysis

In March of 2023 I was contacted by Attorney Keith West of the Victim Loss Recovery Center. He requested I review an incident that occurred in Philadelphia, Pennsylvania on June 4, 2021 when SWAT Officers from the Philadelphia Police Department executed a search warrant at 4664 Torresdale Avenue. I requested he send me all the documents/video pertaining to this incident. After I received all the pertinent information, I reviewed it in its entirety. I then formulated my opinions based on the totality of circumstances from the information provided in an impartial and objective manner. In reviewing the evidence in this case and forming my opinions, I have relied upon the education, experience, and training that I have obtained in over two decades in law enforcement. That methodology that I employed in this case was consistent with how I would have reviewed any similar use of force incident based on my training and experience as a supervisor in the field of law enforcement.

Officers Involved

Officer James Ashford Badge Number 3802

Officer Joshua Burkitt Badge Number 2091

Officer Eric Clark Badge Number 4453

Officer Matthew Fitzpatrick Badge Number 148

Officer Jose Hamoy Badge Number 2987

Officer Brian Murray Badge Number 6068

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Officer Heriberto Quintana Badge Number 2721

Officer Phillip Riotto Badge Number 3984

Officer Rivera Badge Number 6797

Officer Patrick Saba Badge Number 9823

Officer Cyprian Scott Badge Number 3936

Officer Edward Song Badge Number 3936

Detective Francis Graf Badge Number 9066

Detective Timothy Scully Badge Number 791

Sergeant Kevin Mellody Badge Number 285

Sergeant Michael Cerruti Badge Number 8649

Lieutenant Demetrius Monk Badge Number 279

Involved Person

Felishatay Alvarado

Incident Analysis

Opinion 1: SWAT officers from the Philadelphia Police Department violated the 4th Amendment rights of Felishatay Alvarado by illegally entering into her 1st floor, front apartment without having the legal authority to do so while executing a search warrant for a defendant believed to be located inside the 2nd floor, rear apartment which was also a violation of policies and procedures of the Philadelphia Police Department.

The following fact patterns support my above opinion;

I reviewed the search warrant for 4664 Torresdale Avenue, Philadelphia, Pennsylvania which was signed and approved on June 3, 2021 where Detective Scally was listed as the affiant. It clearly states on the first page that the search warrant was for the **2nd floor**, **rear** apartment. (D000058). On the third page it again, clearly states on two occasions that the search warrant was for the **2nd floor**, **rear** apartment. (D000060)

I reviewed the typed statement of Detective Scally dated 6/17/21. When asked, "Why did you list that the 2nd floor rear of 4664 Torresdale Avenue was the specific description of the premises that was to searched on the search warrant?" He replied, "The information that was received from the probation officer was the most recent information. Since the address was for the second floor, we wanted to be specific. There could

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have been a second-floor front that we did not know about." (D000066). (As I will demonstrate from Google Earth photographs, it clearly shows that there could not be a 2nd floor front as the 2nd floor is set back from the front of the building.) When Detective Scally was asked, "Did you have information on how the 2nd floor rear was to be accessed?" He replied, "No. I assumed it would be from the front." (D00066) Again, Google Earth photographs clearly show that no possible access could have been made to the 2nd floor rear from the 1st floor, front as the 2nd floor was set back from the front of the building.

I also reviewed the arrest warrant for the defendant whom the SWAT officers were attempting to locate which listed Detective Graf as the affiant. On page 1 the address listed was for the 2^{nd} floor of the building (D000002), and listed again as the 2^{nd} floor on page 1 of the arrest affidavit (D000016).

I reviewed the typed statement provided by Detective Graf dated 6/17/21. Detective Graf advised database checks of BMV and prison release for the defendant involved in the murder both listed 4664 Torresdale Ave, **2**nd **floor** as an address (D000069). He also spoke with Probation Officer Shannon who advised the defendant's address as **2**nd **floor**, **rear** (D000069). She last spoke with the defendant on May 5, 2021, a month prior to the execution of the search warrant. Detective Graf advised he conducted no surveillance on the address (D000069) which would have confirmed the defendant was present at that location. He then advised he drove by the front of the property (D000069). He was asked if he "had any prior information that the 2nd floor apartment was in the rear of the property" which he answered, "I did not." (D000069). Prior to that question, Detective Graf provided the information above which came from database checks he conducted prior to obtaining the arrest warrant which clearly indicated the address as **2**nd **floor**, **rear**. He stated he looked at the property on Google maps which listed the property in 2019. He also advised he did not know there was a rear door until after the warrant service (D000070).

I reviewed the typed statement of Sergeant Mellody dated 7/12/21. When asked, "Did you have any information that the 2nd floor apartment was in the rear of the property?" He replied, "Yes." (D000062). When asked, "Was there any discussion about how to access the 2 floor, rear apartment of 4664 Torresdale Avenue at any time?" He replied, "Yes. I did a recon on the property and I observed a rear door at the location. When I reconed the property there was no signs of that door going to the second floor. There was a bump out on the left side. The door was on the right of the bump out when looking towards the rear of the property. I discussed this with the homicide personnel. The Homicide Unit personnel did not know where the rear door led to." (D000062).

Sergeant Mellody had first-hand information that the search warrant was for the 2nd floor rear. He had personally "reconed" the apartment. His observation that day provided him with access to the front and rear of the property. The photograph that was provided on the "SWAT Unit RECON Sheet" which showed a clear view of the front of the building (D000075). His observation should have informed him that the second floor was set back from the front of the building which would provide no access to the 2nd floor from the front of the 1st floor. He confirmed the search warrant and arrest warrant were for the 2nd floor rear (D000062). He confirmed he did not know where the rear door on the first floor led to (D000062). He then advised that he has obtained floor plans in the past for large apartment buildings through the internet

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(D000063). He was then asked, "Were there any signs or indication on the front of the property leading you to believe the 2nd floor could be accessed from the front of the property? He replied, "No." (D000063). He indicated that he and Lieutenant Monk were the supervisors on scene (D000037). Even though there was no indication that the 2nd floor rear could not be accessed through the 1st floor front of the building, he still allowed the SWAT team to make entry into the front of the building. Because he had the knowledge and ability to obtain building plans, there was a possibility that he could of obtain them for this incident. D000073 showed the recon was conducted by "Clark/Sgt. Melody."

I reviewed PPD SOP 28 for SWAT Reconnaissance & Intelligence dated 4/11/19. It states;

- "Purpose
- B. Intelligence is critical when planning a tactical operation and the first step to planning an operation."
- "Policy
- B. The reconnaissance will be performed by members of the SWAT Unit and a second separate reconnaissance will be performed by the Unit Supervisor unless there is an exigent circumstance why a supervisor cannot perform the operation or members of the SWAT Unit cannot be used."
- "3. Survey Examples
- A. There can never be too much tactical information available. Listed in this document are <u>minimum</u> <u>examples of necessary information</u>.
- 1. Location or Site Intelligence Address <u>Number of floors How constructed</u> Exits, how many, how constructed, where at on the property. Number of windows, where at, size, fortifications.
- 2 Dogs, other deterrents to Police Possible escape points, porch roofs, etc. Overview of property in relationship to entire block. Overview of block in relationship to neighborhood Street types and direction in relationship to location."

It appeared that Officer Clark and Sergeant Mellody conducted an incomplete "recon" of the property. Both officers, one being a supervisor, clearly observed the front of the residence prior to the execution of the search warrant. They did not take into consideration how the floors were constructed in relation to one another. SOP 28 also states;

- "5. Method of Reconnaissance.
- a. Marked Vehicle, Uniformed personnel
- b. Unmarked vehicle, plainclothes personnel
- c. Police Helicopter
- d. Assistance from other members of the Police Department, accompanied by a SWAT Unit member

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e. Any ruse or disguise that will enhance the accuracy of the reconnaissance."

No methods were documented to ensure they were accurate on how and where they executed the search warrant.

I reviewed the typed statement of LT Monk dated 6/4/21. When asked to describe 4664 Torresdale Avenue, he replied, "It was a two-story row home with two mailboxes on the front. One for the 1st floor and one for the 2nd floor. There was no access to the second-floor apartment from inside of the first floor. The warrant was for the second floor. We had no information on how to access the 2nd floor then through the main door." LT Monk acknowledged the warrant was for the second floor, but had no information on how to access the 2nd floor.

I reviewed PPD SOP 31 "SWAT Unit Warrant Service" revised 10/20/22 which states:

"A thorough recon and brief will be conducted before warrant service is attempted...Both SWAT supervisors will obtain a copy of the warrant from the investigators and check it for accuracy and be guided by procedures outlined in SOP 28"

The following photograph is a picture taken from Google Earth with an imagery date of 6/6/22. I then utilized the "snipping tool" to take a photograph of the image and saved it as a "PNG" file.



As the viewer can see, the 2^{nd} floor is set back from the front of the building a considerable distance. If someone enters through the front door, it clearly shows there would be no entrance way to access the 2^{nd} floor as the 2^{nd} floor is set back. This photograph shows there could be no common fover where a doorway

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would exist to access the 1st and 2nd floor apartments from the front of the apartment. Sergeant Mellody conducted what he described as "recon" the morning the search warrant was executed. His observation of the front of the residence showed there would be no access to the 2nd floor from the front 1st floor.

I utilized the "snipping tool" and photographed the picture as provided in discovery of D000080 which depicts the front of the residence on the day of the incident. I then saved it as a "PNG" file. It clearly shows the 2nd floor is set back from the 1st floor front of the residence. Sergeant Mellody conducted "recon" on the day of the incident and this depicts his viewpoint.



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I utilized the "snipping tool" and photographed the picture as provided in discovery of D000084 which depicts the front door of the residence that was struck with a ram by Officer Clark on the day of the incident. I then saved it as a "PNG" file.



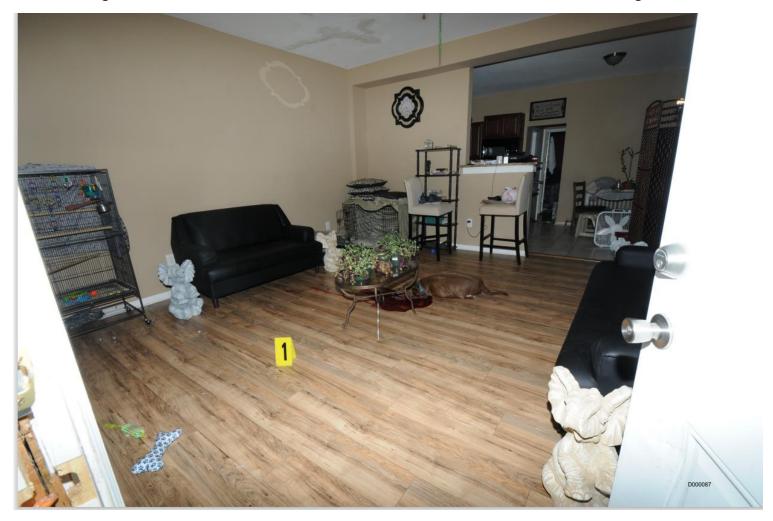
I utilized the "snipping tool" and photographed the picture as provided in discovery of D000085 which depicts the front door frame of the residence that was struck with a ram by Officer Clark on the day of the incident. I then saved it as a "PNG" file.



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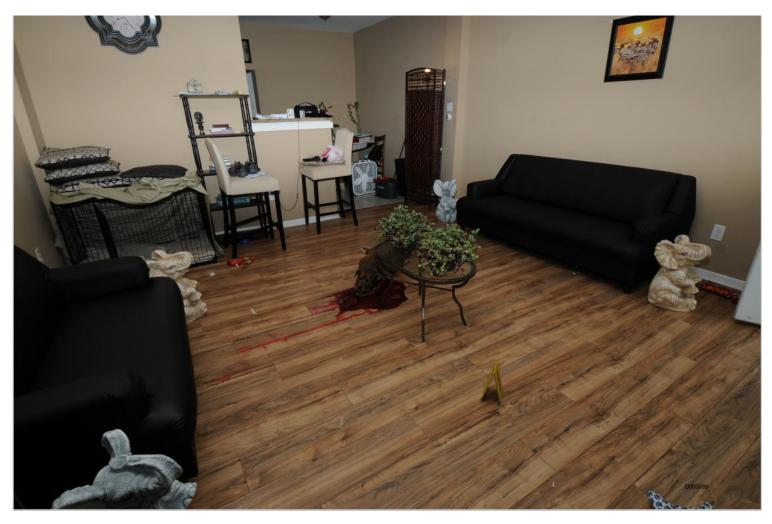
I utilized "snipping tool" to take a photograph of the picture provided in discovery of D000087. This photograph depicts the view point from the front of the 1st floor apartment as entrance is made inside. I saved it as a "PNG" file. A stairway would have to be located by the kitchen entrance toward the rear of the residence to gain access to the 2nd floor because it is set back from the front of the building.



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I utilized "snipping tool" to take a photograph of the picture provided in discovery of D000089. This photograph depicts the view point from the front of the 1st floor apartment to the left front corner of the living room inward. I saved it as a "PNG" file.



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I utilized "snipping tool" to take a photograph of the picture provided in discovery of D000098. This photograph depicts the rear of the residence and rear door into the 2nd floor apartment. I saved it as a "PNG" file.



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I also utilized Google Earth to take a photograph of the rear of the residence with "snipping tool." I then saved it as a "PNG" file.



I reviewed the typed stated of Sergeant Mellody to Internal Affairs dated 7/12/21. He was asked, "Was there any indication that a dog was present <u>before</u> the SWAT Unit entered 4664 Torresdale Avenue while you were outside the property?" He answered, "Yes. A dog was barking." I also reviewed the typed statement of Lieutenant Monk dated 6/4/21. He was asked, "Upon your arrival at 4664 Torresdale Avenue, what did you see and do?" He replied, "Upon arrival, Officer Clark approached the door, knocked and announced "Police, with a warrant, open the door". At that point, I could hear a dog barking and I gave the order to breach. Upon entry, we were met by a light brown colored pit-bull mix in the living room area. The dog immediately went after Officer Song biting his lower right leg. I continued past Officer Song where I encountered a white female in the kitchen area. She was on the floor behind a fence that separated the living from the kitchen. I proceeded past her and cleared the property. Once I encountered the female, I heard a single shot from behind me."

I reviewed the transcript deposition of Sergeant Brian Mellody dated October 11, 2023. At the beginning of the deposition, he stated he believed all policies and procedures were followed (Page 9). He advised there was nothing inconsistent from his training (Page 10). Sergeant Mellody confirmed he and Officer Clark did the "recon" (Page 15). He stated he inspected the front by riding past the residence then exited his vehicle and walked to the rear to observe that (Page 18). Sergeant Mellody confirmed he heard the

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knock then Officer Clark and Murry performed the breach (Page 24). He advised LT Monk made the decision to breach the door (Page 33), but he (Mellody) was the one who had made the decision to go to the front door to execute the warrant (Page 34). He stated the search warrant stated rear while the "recon" sheet stated 2nd floor rear (Page 36). When asked if he knew about the suspect being on parole, he stated he did not (Page 38). He stated if he knew of the parole information it could have changed the plans (Page 44). Sergeant Mellody advised the front of the residence is one story (Page 68). He explained he heard LT Monk give the command to breach the door (Page 74).

I reviewed the deposition of Lieutenant Demetrius Monk dated 5/19/2023. He was asked, "If you're attempting to enter an apartment for which you do have a valid warrant, as a member of the Philadelphia Police Department, pursuant to the policies and procedures of the Philadelphia Police Department, as you understand them based on your training, are you allowed to go into someone else's apartment that is not subject to the warrant?" He replied, "Let me back up. At the time it was unknown whether the entrance was within the first-floor apartment or not. So, I would go with we were legally -- we had legal bounds to be in that apartment." (Page 20). He confirmed he knew the search warrant was for the second floor (Page 19). (Again, PPD Directive 5.7 pertaining to search warrant states, "the executing officer have no doubt as to who or what can be seized and where they may be found.) He was also asked, "So you believe that you were legally allowed to be in apartment one, first floor" which he responded, "Yes." (Page 20).

Lieutenant Monk was asked, "So prior to entering Ms. Alvarado's apartment, you understood that legally you are not allowed to go anywhere on the property, other than the second-floor rear apartment, correct?" He replied, "That's correct." (Page 25). He was asked, "And did you believe that the breached private residence was the second-floor rear apartment?" He replied, "At the time, we did not know the second floor was in the rear." (Page 27) (As previously shown photographs of the residence, it clearly indicates that the 2nd floor could not be located at the front as the 2nd floor was set back from the front of the residence. When the door to the residence was breached, officers knew then as they entered into a residence and not a common hallway or foyer. Yet, they continued through the 1st floor apartment clearing all rooms including the rear of the residence.) Lieutenant Monk was asked, "However, assuming that it was true, if it was possible to access the second-floor rear apartment through Ms. Alvarado's first floor apartment, would you legally have been allowed to go through the first-floor apartment, in order to get there, without a warrant?" He replied, "No." (Page 34). Lieutenant Monk was asked, "Sir, what is the point of doing reconnaissance prior to a warrant enforcement job?" He replied, "To identify the properties, the specific property, any difficulties we may have on approach, to get a layout of what the rear may look like and the general neighborhood." (Page 36). (It was already established the Sergeant Mellody and Officer Clark conducted the "Recon" of the residence. If done properly, a rear door would have been observed that could show how to access the 2nd floor rear, and also that the 2nd floor rear was set back from the front of the residence.) Lieutenant Monk also confirmed he ordered the breach. (Page 37).

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I again reviewed the search warrant which was approved on June 3, 2021. It stated the warrant shall be served only between the hours of 6AM and 6PM (D000058). I also reviewed the video surveillance (A10_20210604053500_002, Camera 10) provided from the corner Deli store which shows the SWAT Unit approaching the residence at 5:36:21 AM. (The time of the video surveillance was not confirmed with the actual time, but the video clearly shows it was daylight outside.) If "recon" by Sergeant Mellody was conducted when it was dark, it clearly now shows that any reasonable person could determine that the 2nd floor was set back from the front first floor of the building, therefore, no access could be made into a common foyer or area that would provide immediate access to the 2nd floor rear.

I reviewed the "Defendant Officer Edward Song's answers and objections to plaintiff's interrogatories and requests for production of documents." On page 8 he was asked, "If you believe that it was lawful for you to enter Plaintiff's home and/or kill her dog, please specify: A. Why you believe it was lawful for you to enter Plaintiff's home, and/or B. Why you believe it was lawful for you to kill Plaintiff's dog?" The answer provided was "Notwithstanding these objections, and without waiving the same, Defendant responds that he entered the front door to 4664 Torresdale Avenue in good faith and under the belief that it was the common entrance to both the first- and second-floor apartments; that this belief was reasonable given the appearance of the front door facing Torresdale Avenue, which read "4664," was situated immediately to the right of two mailboxes, and lacked any other markings on the door indicating it to be the entrance to the first floor apartment only.

I reviewed the transcript deposition of Detective Timothy Scally dated 9/28/23. Detective Scally advised he conducted the probation check (Page 20) and did not know the defendant had been on house arrest (Page 21). He indicated he did not know the entrance to the apartment was on Margaret Street (Page 30). He advised if he had the information from probation, he would have known the entrance was at the rear (Page 31). Detective Scally stated there was no specific policy for preparing a warrant and obtaining all available information (Page 35). ** PPD has Directive 5.22 for preparing arrest warrants and Directive 5.7 for preparing search warrants. ** He advised he knew the search warrant was for the 2nd floor-rear (Page 37). Detective Scally explained that if he had the probation information and google maps view, the proper way to enter the residence would be through the rear.

Detective Scally stated the only way they determined the location of the apartment was they drove past the building (Page 40). He indicated he would not have contacted the property owner for safety reasons. He confirmed the area of the front door to the building is one story (Page 45). He believed the front door led to a vestibule area through his experience. He advised the SWAT Unit's knock and announce was consistent with what he observed from his experience (Page 51). He stated he obtained no search warrant for the suspect's cell phone or IP addresses (57). He believed that 5-7 seconds was a reasonable opportunity to surrender the premises (Page 75).

I reviewed the deposition of Officer Patrick Saba dated 5/16/23. He had been identified as a member of the PPD SWAT Unit since 2018. He was shown a photograph of the front of the residence located at 4664 Torresdale Avenue (Saba Exhibit 2). He was asked, "So do you think it would be reasonable for someone

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to believe that this second -- that this door led to the second floor of a building?" He replied, "No. It wouldn't be reasonable." (Page 42). He also confirmed there were no exigent circumstances that required any sort of emergency. (Page 55 & 56).

I reviewed the deposition of Officer Matthew Fitzpatrick dated 5/17/23. He was asked, "When you have done reconnaissance at multi-residence properties as part of that, would you try to determine what apartment the warrant was valid for?" He replied, "So we do it on apartments, you have to make sure when you're doing reconnaissance you have to know the specific apartment. If it's unclear, then we will contact the detectives back and we will ask them, you know, if it's not in the warrant they will have to redo the warrant. And if it's not clear then we end up not doing it." (Page 29 & 30). He was then asked, "So if you did have a warrant and did specify a specific floor and apartment number, as part of your reconnaissance would you make sure that you understood how to get to that specific floor and apartment before you sent a team in there? He replied, "Yes. So, if it's a specific apartment, we will have to make sure when we are doing the reconnaissance that we are going to that specific apartment that the warrant is for. (Page 30). Officer Fitzpatrick was then asked, "And what kind of steps have you personally taken to try to figure that out in multi-residence properties?" He replied, "Usually it's unclear. So, if it's like, you know, apartment one and there's a one and a two and it's not marked, usually I will tell my supervisor usually that is -- I will tell them like hey, this isn't clear. He will end up contacting the detectives back. If it's unclear which house it is, then we usually will work with the detectives. But if they can't give us a specific answer, then we will just not do the warrant and we will say you didn't give us more information." (Page 31). He was then asked, "But what I want to ask you actually is if you were part of a reconnaissance team and you knew you had a warrant that was for a second-floor rear apartment and you knew that the apartment building had a rear door, would you investigate whether or not if the rear door was the proper access to the rear apartment?" He replied, "Yes. So, if I was on a reconnaissance and I saw that it said second floor rear door, then I would definitely tell my supervisor and say, hey, listen, there's a door in the rear that leads to the second floor. He would end up talking to the detectives and they would have to hash it out from there." (Page 32).

I reviewed the deposition of Officer Heriberto Quintana dated 5/23/23. He was asked, "Prior to arriving at the property, did you know whether or not there was a rear door?" He replied, "Yes." He was asked, "What were you told about the -- how did you know there was a rear door?" He replied, "Based on the description given during the reconnaissance and on the reconnaissance sheet." He was also asked, "And what were you told about the rear door prior to the operation?" He responded, "Not much. Just that it was accessible from the rear driveway, the view of the rear, including the rear door. Nothing else in particular about it." (Page 16). Officer Quintana was asked, "And during that briefing, did you learn one way or another whether or not the warrant specified a specific apartment number?" He replied, "It did not specify a specific apartment." (Page 27). (*This information is inconsistent with the signed search warrant for the residence*. It states on at least three occasions that the search warrant specified the "2nd floor rear.)

Officer Quintana was asked, "So with that background in mind and the personal experience you've already referred to, if you were tasked with doing a reconnaissance on a multi residence apartment building, where

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the warrant specified that it only applied to the apartment number two, second floor rear, and you knew that there was a rear door and you knew that there was a front door to the building, would you at least consider the possibility that the front door did not provide entrance to the second floor rear apartment?" He replied, "Yes, I would consider that." (Page 32). He was also asked, "So would you try to get additional information, in that situation, prior to sending out the SWAT Unit to do a warrant enforcement operation?" He replied, "Yes." (Page 33). When he was asked what additional steps he would take, Officer Quintana replied, "If I have access to that information, I'd probably look up like a city database and find out exactly what type of dwelling it is. Ask the detectives to possibly set up a surveillance to see if they make a determination, based on the surveillance, what entrance to use specifically for something like that." (Page 33). When he was asked if reconnaissance was to sort out issues ahead of time, he agreed to that statement. (Page 37). When Officer Quintana was asked about what type of guidance he had received on training when it came to conducting reconnaissance, he replied, "In regards to recon, just basically what kind of things to look for when it came to that, how to access any particular, I guess you could say, additional entryways. For example, if we use -- if we were to serve a warrant in a multi-story dwelling, then we have to make a determination of how to get into the first door, how to get into a second door, if needed, and then how to access that particular floor that the apartment is on. That's something that all has to get taken into consideration." (Page 53).

I reviewed the deposition of Probation Officer Dana Shannon dated 9/15/23. She confirmed the "File Notes" pertaining to the suspect in this case stated that the field team went to the residence of the defendant on April 25, 2019. The location stated 2nd floor apartment (rear entrance off Margaret St.) (Page 18). She advised she never went to the residence (Page 20) and told Detective Graf she had never been to the residence (Page 22). She also told Detective Graf she personally never verified the address. Officer Shannon advised Detective Graf never requested the records (Page 25), but if asked, she would have told Detective Graf it was confirmed at that time (Page 26).

I then reviewed the "File Notes" pertaining to the suspect in this case. The following were notations of importance to this case and are summarized below:

- 1. 6/2/21 PP is suspect in a murder. PO told him we have only had contact with PP by phone. We could not confirm his address by a field visit.
- 2. 5/5/21 PP stated his address and phone number are the same.
- 3. 4/27/21 PP gave phone number 267-770-2861.
- 4. 7/31/20 PP gave email of blockzombie215@gmail.com.
- 5. 6/22/20 PP gave address 4664 Torresdale Ave, rear
- 6. 4/25/19 Field Team provided location of 2nd floor apartment (rear entrance off Margaret St.)

The "File Notes" provided a cell phone number for the defendant where suspects can be tracked to their location. He also provided an email address where IP addresses can be tracked to a location. Notations also provided information that the apartment was at the 2nd floor apartment (rear entrance off Margaret

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Street.) I found no documentation that Detective Graf followed any of these steps for the cell phone or IP addresses.

I reviewed the deposition of Felishatay Alvarado dated 8/11/23. She advised she moved into the apartment in March of 2021. She advised she added different numbers on the address that were bolder as the previous numbers were faded (Page 19). Alvarado indicated the numbers on the mailboxes were the same (Page 20). When asked if she ever had anyone knock on her door looking for people on the 2nd floor, she answered, "No." (Page 21). She advised she was in her bathroom when she heard her bird scream (Page 43). She advised here dog barked prior to the police officers breaching her door (Page 44). She stated the "Beware of Dog" sign was up on the date of this incident (Page 87).

I reviewed the deposition of Officer Eric Clark dated 9/21/23. He confirmed he and Sergeant Mellody conducted the reconnaissance for the execution of this search warrant (Page 38). Officer Clark stated he knew there was a rear door to the residence (Page 46) and that they inspected the property (Page 47). He also confirmed he knew the search warrant was for the rear of the residence (Page 49). He advised he did not know about the Parole Office having records about the entrance in the rear (Page 53). He advised if he knew Parole had information about the entrance being in the rear, it would have affected how they did the entry. When asked, "Did you, as part of your reconnaissance, investigate whether there might be a door to enter the property off Margaret Street?" He responded, "So I would say since I believe that in front of the property there's two mailboxes, so the properties, numerous properties that we had apartments set up like that and we see two mailboxes, you wouldn't think that, okay, that the entrance to the second-floor apartment is in the rear because the mailbox is not there, it's on the front of the property. So, we were expecting -- well, what I was expecting when I breached the door, that we go in, there was going to be probably a door to the right where there's the first-floor apartment and then a set of steps we had to go up to get to the second floor." (Page 58). He was then asked, "Given that you knew that the 4664 Torresdale Avenue property had a front door and a rear door and had multiple apartments in it and that your warrant was only for the rear apartment, didn't it show reckless disregard for the residents of the apartments in that building that you did not investigate whether or not the proper entrance point was through the front door or the rear door." He responded, "Because like I said, there's two mailboxes on the front of the property. Who gets their mail from the front of the property and has to walk all the way back to the rear of the property, like, I mean, that doesn't make sense. So, a reasonable person would believe, okay, to get to apartment 1, it's probably going to say Apartment 1 and 2 Apartment 2, they're going to go through the front door and go up some steps or go to the right, whatever the case may be, whatever the case may be. A reasonable person that sees two mailboxes -- like I'm pretty sure the mailman is not walking to the back of the property, he's putting the mail in the front mailbox.

Officer Clark was later asked, "Okay. So, under your understanding of the United States Constitution, would the warrant that was issued to enter residence, were you legally allowed to enter Ms. Alvarado's first floor apartment?" He responded, "No. The warrant wasn't for the first floor, it was for the second floor." (Page 96) He also confirmed he heard the dog barking prior to breaching the door (Page 98).

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He advised he was not aware of any PPD SOP on dog encounters and has not received any training on dog encounters (99).

I reviewed the deposition of Officer Joshua Burkitt dated 9/20/23. He confirmed the search warrant indicated 2nd floor rear apartment (Page 23). He agreed if he had all the information that was available now, he would have assumed that the entrance to the apartment would be in the rear (Page 31). He advised there were no exigent circumstances to enter the apartment on the first floor and they had no legal grounds to enter (Page 53).

I reviewed the deposition of Jaclyn Matteo Hand, Probation/Parole Officer, dated 9/27/23. She indicated she would conduct the investigation of the defendant and provide the information to the field team (Page 5). She also stated the field team would inspect the residence (Page 6). Officer Matteo Hand advised she spoke with the mother of the defendant who advised the entrance to their apartment was in the alleyway (Page 8). She stated she completed the "Home Investigation Interview" with the mother in April of 2019. She advised the information would have been available to probation (Page 13). She indicated if someone asked where the defendant lived, they could have pulled the document and provided the information of the entrance off Margaret Street (Page 21).

I reviewed the "Home Investigation Interview" document which Officer Matteo Hand advised she completed for the field team. It stated the interview was completed with Shiela Washington who was the mother (Page 1). It also listed the address as: 4664 Torresdale Ave. Rear apartment (2 floors) Phila PA 19124 (go up alleyway to knock on door). It also provided the legal owner of the property as: NAME: Mirela Pajo, Contact #: 267-303-2120 (Page 2). It also lists under household structure: rear apartment – 2 floors (Page 4). Where it asks where the defendant would sleep, it states: 2nd floor back bedroom (Page 4).

I reviewed the deposition of Officer Cyprian Scott dated 9/21/23. He stated he was informed of the search warrant the night prior when he came to work at 11pm (Page 12). He was aware they were going to a 2-story residence (Page 14). He believed the residence only had one door and he had no other information about another door (Page 21). He admitted the front portion of the residence was only one story (Page 26). When told that probation and inspection records specifically said that entry to this apartment was to the rear of the building on Margaret Street, he stated he was not aware of it (Page 31). Officer Scott stated he would have gone to the rear door if they had the information (Page 32). He indicated that the PPD has provided him with training on enforcing warrants on multi-residence properties (Page 35). He was asked, "And based on the training you've received from the Philadelphia Police Department in the SWAT Unit, would it be important for you and the rest of the SWAT team to avoid if at all possible, entering the wrong apartment number?" He replied, "Yes." (Page 39) Officer Scott also indicated it would be unconstitutional to go into another apartment (Page 39). He indicated that he has executed thousands of warrants and never has been to the rear of the residence to enter (Page 40). He advised he would not breach a door if it led into another apartment (Page 50).

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I reviewed the deposition of Detective Francis Graf dated 9/28/03. He explained he had no prior knowledge of the rear door to the residence (Page 20). He advised he doesn't ever recall going through the rear entrance of a property like that (Page 21). He indicated the warrant was for the 2nd-floor rear (Page 23). When asked, "Were officers allowed to enter other apartments that happened to be in the same building? He responded, "No." (Page 24) He specifically stated that the SWAT Unit plans the entries (Page 25). He did not recall if the suspect had a cell phone, but did not complete a phone warrant (Page 33). Detective Graf indicated he did not recall any social media sites for the suspect (Page 33). (If he did, it was not documented). He advised he did not check IP addresses for the suspect and no one conducted physical surveillance (Page 33). Detective Graf stated he did not contact the property owner. He stated if he had the information from parole that the access was through the alleyway, it would have led to believe the entrance was off Margaret Street (Page 46). He explained the "knock and announce rule" meant a reasonable amount of time (Page 67).

I reviewed the deposition of Officer Miguel Rivera dated 8/18/23. Officer Rivera advised he was assigned to the rear of the apartment when he heard a single gunshot (Page 13). He stated the entry team then came around the back of the residence (Page 13). He stated the "recon" is to figure out what doors lead to which apartments (Page 25). Officer Rivera stated at times they had contacted the property owners (Page 26). When he was asked, "Can you enter any -- any portion of the building, even if the warrant applied only to Apartment 2, second floor rear?" He responded, "No." (Page 30) He confirmed that there was no 2nd-floor directly above the front door (Page 35). Officer Rivera stated sometimes they monitor residences for when people are coming and going (Page 37). When Officer Rivera was asked, "If it's not possible ahead of time to determine whether a front door leads into an occupied apartment or a common area, should you, if possible, delay the operation until reconnaissance is able to make that determination in order to avoid entering the apartment of someone who is not subject to a warrant?" He responded, "Yes." (Page 43). He indicated he has had no training on dog encounters.

I reviewed the deposition of Officer Jose Hamoy dated 8/17/23. When asked if he knew whether or not the Philadelphia Police Department has ever issued any directives pertaining to how Philadelphia Police Department officers should handle encounters with dogs?" He responded, "Yes, I believe so" and advised he has other tools to deal with dogs (Page 16). He indicated he has received training from the PPD on how to enforce warrants on multi-residence buildings (Page 21). He stated that sometimes the detective or supervisor would contact the property owner (Page 37). He stated he knew there was a rear door (Page 43). Officer Hamoy advised if he saw the warrant and knew there was a rear door, he would have gone to the rear door (Page 51). When he was asked, "What is the knock-and-announce rule in your experience?" He responded, "We always knock and announce at least three times before we wait for an order from a supervisor to breach." (That is not consistent what happened in this incident according to the video.) When asked, "And did you ever receive any training as to how much time you should allow to pass between, pursuant to the knock-and-announce rule, between knocking on someone's front door and breaching their property? He responded, "To the best of my recollection, reasonable time." (Page 54) He was asked, "Okay. Can you recall at this time how much time passed between, if any, between Ms.

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Alvarado's front door being knocked on and her door being knocked down with the SWAT unit ram?" He responded, "I cannot recall it specifically, sir." Then he was asked, "Do you recall whether or not it was a reasonable amount of time?" He responded, "Yeah. It would be reasonable, sir, to the best of my recollection." (Page 56) He explained that other than serving a warrant for a warrant for a homicide there was no exigent circumstances (Page 57). Officer Hamoy agreed that the 2nd-floor was pushed back from the front door (Page 67). He again advised on this warrant he would have gone to the rear of the residence (Page 68).

I reviewed the deposition of Officer Brian Murray dated 8/11/23. He identified himself as one of the breachers (page 9). He later stated that Officer Clark conducted the knock and announce and the breach of the door (Page 13). He advised he knew the search warrant was for the 2nd floor (Page 9). Officer Murray stated he was expecting to enter into a common entry point (Page). He indicated he was the last one to enter the residence (Page 10). He advised when he did enter into the residence, he knew it was not a common entry (10). He stated that he believed that LT Monk gave the order to breach the door (Page 15).

When Officer Murray was asked, "And why was that, why would you allow a period of time before the breach?" He responded, "We give enough time to try and get someone to comply and open the door. Ideally someone will open the door as opposed to us having to breach the door." (Page 18) He could not recall any exigent circumstances (Page 20) and indicated that a reasonable amount of time would be 30 seconds (Page 20). He stated he had no knowledge of a video of the incident (Page 20). He explained a dog was barking prior to breaching the door (Page 24). He advised he is trained to utilize OC spray on dogs to avoid a lethal encounter and they keep a dog noose in the truck (Page 27). Officer Murray advised he had no knowledge of the dog policy (Page 34). He explained he has never contacted a property owner and was unaware the suspect was on parole (Page 55). When he was asked, "Based on your experience and training with the Philadelphia Police Department, if you heard a dog barking inside of a property, would that be any reason to cut short the amount of time under the knock and announce rule between knocking on the property and breaching the door?" He responded, "No." (Page 60).

I reviewed the PPD Directive 5.7 pertaining to "search warrants" which states:

- "B. All search warrants will be obtained and executed by police personnel in accordance with the procedures established in this directive and the applicable rules of Pennsylvania Criminal Procedure (Pa. R. Crim. P. 2001 to 2010) which can be found in the Pennsylvania Crimes Code. (D000155).
- 4. Particularity of the Search Warrant
- B. The premises or person to be seized and the items to be seized must be specifically described in the warrant so that the judge if bail commissioner and the executing officer have no doubt as to who or what can be seized and where they may be found.
 - 1. Descriptions of buildings should include:

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- a. street name and number of (no intersections.) When possible, where search will take place (vehicle/building), use exact numerical location.
- b. number of stories apartment number
- *C.* type of construction (brick, wood, etc.)
- d. type of property (single home, apartments, twin structure, etc.)
- e. particular markings, color, or any additional information which serve to identify the particular premise.

I reviewed the Pennsylvania Rules of Criminal Code, Rule 205, Contents of Search Warrant which states:

- (A) Each search warrant shall be signed by the issuing authority and shall:
 - (1) specify the date and time of issuance;
 - (2) identify specifically the property to be seized;
 - (3) <u>name or describe with particularity the person or place to be searched;</u>
 - (4) direct that the search be executed either;
 - (a) within a specified period of time, not to exceed 2 days from the time of issuance, or;
 - (b) when the warrant is issued for a prospective event, only after the specified event has occurred.⁵

The search warrant described the exact place to be searched which was described in the search warrant on three occasions listed as 4664 Torresdale Ave, <u>2nd floor, rear</u>. It was unreasonable for the officers to believe that they could obtained entry into the 2nd floor rear from the 1st floor front of the building as the photos of the front of the residence indicate. As stated in Directive 5.7, "the executing officer <u>have no</u> <u>doubt as to who or what can be seized and where they may be found."</u>

From reviewing the statements of the officers involved, specifically LT Monk, who advised, "At the time it was unknown whether the entrance was within the first-floor apartment or not," there was at least ambiguity on the part of the officers of how to gain access to the 2nd floor, rear. This is not consistent with the policy of PPD which states:

"the executing officer have no doubt as to who or what can be seized and where they may be found."

As part of their policy, the officers had the ability to obtain more background information prior to executing the search warrant. There appeared to be ambiguity on their part, but still executed the search warrant. No physical surveillance was conducted as Sergeant Mellody and Officer Clark only drove by the front of the residence and Detective Graf also only drove past the front of the residence. No officers

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⁵ Pennsylvania Rules of Criminal Code, Rule 205, Contents of Search Warrants

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advised they conducted surveillance. It is understandable that they did not want to contact the property owner the night prior and risk notifying the suspect of the warrant, but also attempted no other "<u>ruse or</u> <u>disguise that will enhance the accuracy of the reconnaissance</u>" as stated in the policy.

As specified in Rule 205, the search warrant was valid for 2 days. The detectives who obtained the warrants, the officers who conducted the reconnaissance, and the officers who executed the search warrant, specifically LT Monk and Sergeant Mellody, had ample time to further their investigation and obtain more thorough and complete information.

A reasonable and thorough investigation by Detective Scally would have included asking the parole officer how to enter into the residence. His own statement confirmed if he had the now known information, he would have known entry was in the rear of the residence. By not doing to was a violation of the PPD policy which also led to an unconstitutional entry into the residence of Ms. Alvarado.

Opinion #2 SWAT officers from the Philadelphia Police Department violated the 4th Amendment rights of Felishatay Alvarado by executing the search warrant by forcibly ramming the door and not allowing her a reasonable amount of time to voluntarily surrender her residence which was also a violation of policies and procedures of the Philadelphia Police Department.

The following is a timing sequence of the events as captured by the video surveillance, A10 20210604053500 002, Camera 10. All times are approximations.

TIMING SEQUENCE

Camera Time	Time Counter	Description
5:36:19	1:18	Philadelphia SWAT arrive at residence
5:37:13	2:12	SWAT is in a stack in front of residence
5:37:19	2:18	Officer knocks and announces
5:37:21	2:20	Officer Clark begins to move toward the front door to
		utilize the ram after order given to breach by LT Monk
5:37:27	2:26	1st ram of the door
5:37:29	2:28	2nd ram of the door
5:37:33	2:32	Officers begin to enter residence
5:39:11	4:10	Officers begin to exit residence

Although I did not observe it written on the search warrant, SWAT officers were conducting a "knock and announce" search warrant for 4664 Torresdale Ave, 2nd floor, rear as stated in the Officer Involved Shooting Investigation Report. (D000003). Officers knocked and announced at 5:37:19AM. Officer Clark began to walk toward the front door with the ram after the order was given to breach it. He then rammed

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the door the first time at 5:37:27AM. They only gave the resident 2 seconds before the order was given to breach the door and 8 seconds before they began to strike the door with the ram. It is unreasonable to think the resident could answer the door that quickly, specifically that time of the morning, and more importantly, no exigent circumstances existed.

In a review of the typed statement of LT Monk (D000044), he advised, "At that point, I could hear a dog barking and I gave the order to breach." A review of the typed statement of Sergeant Mellody (D000063), he advised he knew a dog was present when he was outside the property when he heard it barking. Due to the fact that this was a "knock and announce" search warrant, the resident must be given a reasonable amount of time to answer the door. The dog barking did not give away any tactical disadvantage and jeopardize the lives of the officers as they were already knocking and announcing their presence. Although attempting to apprehend a murder suspect is in itself dangerous, the situation did not become more dangerous by the dog barking whereby no exigent circumstances existed.

I again reviewed the transcript deposition of Sergeant Mellody. He confirmed from his previous interview to the shoot team that when they conducted the knock and announce there was no response (Page 20). When he was asked to explain the knock and announce rule, he stated, "Well, knock and announce rule is like a reasonable amount of time to take a door in a search warrant." (Page 51) Sergeant Mellody explained he obtained that information from training with the PPD. He explained he received training about knock and announce warrants while at SWAT school (Page 56). He stated knock and announce is no specific time just reasonable time to answer the door (Page 59). When he was asked, "Under the knock and announce rule, are you obligated to give the occupant of the property a reasonable opportunity to voluntarily surrender the property before you break down the door?" He responded, "Yes." (Page 59). Sergeant Mellody also stated, "When we do knock and announce, we give them a reasonable amount of time to answer the door to surrender to us." (Page 59). He advised he never saw SWAT not follow the knock and announce rule (61) and believed it was followed that day (Page 62). (He had not observed the video at that time). He advised there were no exigent circumstances (Page 74). He explained he has had no dog encounter training and does not remember the dog policy (Page 88). He stated he had no other tools like a dog noose or OC spray to utilize (Page 90). He confirmed the SWAT SOP for knock and announce stated 30 seconds to wait (Page 95). Sergeant Mellody did not remember if 30 seconds was utilized before the breach (Page 96). He was asked, "In your experience, the door would be knocked on at least three times before you break someone's door down; right?" He responded, "Three or more." (Page 98)

Sergeant Mellody explained he did not know about the video of the search warrant until the deposition (Page 106). When he was shown the video, he expressed "Little quick from what I would do." (Page 110) When asked, "Assuming there were no exigent circumstances, was this consistent with the knock and announce rule policies from the Philadelphia Police Department?" He responded, "No." (Page 115). He was asked, "Was this consistent with your experience, as a member of the SWAT unit, as far as how a warrant enforcement action would normally be done?" He responded, "No." (Page 115) Sergeant Mellody was asked, "So you believe that what you saw was a knock and announce consistent with the policies and procedures of the Philadelphia Police Department?" He responded, "So I'm going to say visually looking at

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that video, no, but I don't know what the circumstances were and what the Lieutenant was thinking at that time." (Page 115)

A review of the memorandum prepared by Lieutenant Kevin Hall (Commanding Officer of Internal Affairs) dated 1/3/23, he advised Lieutenant Jason Hendershot of the OISI contacted the property owner, identified as Armin Maroli, (D000117). Maroli stated he purchased the property 2-3 years ago (2018-2019) as a duplex and no modifications had been made indicating that there was never any access between the two (2) apartments. As stated by Sergeant Mellody, he has obtained building plans in the past for apartment buildings. If plans were obtained for this residence or contact made with the property owner, information would have been obtained that showed no access to the 2nd floor rear could have been obtained from the 1st floor front.

I reviewed the PPD Directive 5.17 related to "Wanted Persons." It clearly states, "Make every effort to determine the location of the wanted subject, prior to obtaining the warrant." Although Detective Graf stated in the arrest warrant that he conducted database checks with BMV, prison release records, and a conversation with probation officer, he did not make every effort to determine the fugitive's location as outlined in the directive. Being a former homicide detective for 14 years, it is common knowledge that suspects are often apprehended utilizing the cellphone records to provide their locations with cell site tower information, cell phone "pings", and call detail records which was not documented by detectives. The search warrant specifically stated the officers were attempting to locate a "cellular phone" along with other evidence. This insinuates they were aware that the suspect had a cell phone and may be utilized to track his location. It is often common knowledge that suspects are often tracked utilizing their social media accounts that provide who they are communicating with and IP addresses utilized by their accounts that can be tracked to an address. A neighborhood canvass was not documented to determine of any persons observed the suspect at that 2nd floor, rear apartment. Certainly, no physical surveillance was conducted to determine if the suspect was seen entering or exiting the 2nd floor rear apartment. Further, any reasonable investigation of the suspect's whereabouts would have included, at bare minimum, obtaining all information from the Probation / Parole Office with regards to how the suspect's apartment could be entered. It is blatantly indifferent to the 4th Amendment for the City of Philadelphia to have failed to have required its detectives to obtain such basic information in conducting reconnaissance under the circumstances presented here.

I reviewed the PPD Directive 5.22 related to "Arrest Warrants." It clearly reads, "Regarding omissions, investigators shall include in all warrant applications highly relevant facts within his or her knowledge that any reasonable officer knows that a magistrate would need to make an independent determination of probable cause. This included all culpable information as well as exculpable information." Again, it is not known whether the suspect had a cellphone, social media accounts, neighbors who saw him at the

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⁶ Philadelphia Police Department Directive, 5.17, Wanted Persons dated 11/20/00

⁷ Philadelphia Police Department Directive 5.22, Arrest Warrants dated 9/1/20

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residence, or physical surveillance that was conducted to place the suspect at the 2nd floor rear apartment. I am merely stating that these procedures, if done, were not documented.

Also in the Directive 5.22, it states;

"PRIOR TO OBTAINING THE ARREST WARRANT

- A. Sworn personnel will ensure that a complete and timely investigation has taken place. The information concerning the suspect and his/her location, as well as any information noted on the 75-572 and 75-51 must be accurate, reliable and contemporary.
- B. Areas of investigation should include but are not limited to:
- 1. Motor vehicle checks
- 2. Voter registration checks
- 3. Welfare files
- 4. School records
- 5. Employment records
- 6. Utility bills
- 7. Interviews with family, friends, co-workers, etc.
- 8. Informants
- 9. Surveillance
- 10. Jailtrak system
- 11. Coles Directory
- 12. Fiche File
- 13. Intelligence check (associates, areas frequented)
- 14. Criminal record check photos, extracts
- 15. Driver's license
- 16. Firearms checks

17. Probation/Parole

NOTE: These types of investigations should also be used to supplement an officer's efforts concerning "due diligence" requirements after the warrant has been obtained."

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Although some of these steps were taken, many others were not such as interviews with family, friends, and co-workers, surveillance, informants, intelligence checks, and probation/parole notes which goes toward "make every effort to determine the location of the wanted subject, <u>prior to obtaining the</u> warrant."⁸

I reviewed PPD Directive 5.7 related to "Search Warrants" dated 4/29/16. The directive states;

- "B. Knock and Announce
- 1. The purpose of the Knock and announce" rule is to prevent the violence and physical injury to police and occupants, to protect the occupant's expectation of privacy, to prevent property damage resulting from a forced entry and to give the occupants an opportunity to surrender the premises.
- 2. The manner of the entry is provided from in Rule 207 of the Pennsylvania Rules of Criminal Procedure and is as follows:
 - a. A law enforcement officer executing a search warrant shall, before entry give or make reasonable effort to give, notice of their identity, authority and purpose to any occupant of the premises specified in the arrant, UNLESS exigent circumstances require immediate forcible entry.
 - b. Such officer shall wait a response for a reasonable period of time after their announcement before gaining entry into the property.
 - c. If the officer is not admitted after such a reasonable period of time, they may forcibly enter the premises and may use such physical force to effect entry therein as is necessary to execute the search warrant.

NOTE: The courts have not precisely and uniformly determined the exact period of time that can be considered "reasonable."

I reviewed the Pennsylvania Rules of Criminal Code, Rule 207 which states;

"Rule 207 - Manner of Entry into Premises

- (A) A law enforcement officer executing a search warrant shall, before entry, give, or make reasonable effort to give, notice of the officer's identity, authority, and purpose to any occupant of the premises specified in the warrant, unless exigent circumstances require the officer's immediate forcible entry.
- (B) Such officer shall await a response for a <u>reasonable period of time</u> after this announcement of identity, authority, and purpose, <u>unless exigent circumstances require the officer's immediate</u> forcible entry.

⁸ Philadelphia Police Department Directive 5.17, Wanted Persons dated 11/20/00

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(C) If the officer is not admitted after such reasonable period, the officer may forcibly enter the premises and may use as much physical force to effect entry therein as is necessary to execute the search.⁹

See generally *Commonwealth v. DeMichel*, 277 A.2d 159 (Pa. 1971) with regard to paragraphs (A) and (B). Concerning paragraph (C), see *Commonwealth v. Newman*, 240 A.2d 795 (Pa. 1968)."

** Although these court cases are older cases, these are the ones noted under the Pennsylvania Criminal Code for Rule 207 **

I reviewed PPD SOP 31 "SWAT UNIT WARRANT SERVICE" which states:

Knock and Announce Rule Directive 5.7 6 B

- 1. The purpose of the "knock and announce" rule is to prevent violence and physical injury to police and occupants, to protect an occupant's expectation of privacy, to prevent property damage resulting from forced entry and to give the occupants an opportunity to surrender the premises.
- 2. The manner of entry is provided for in Rule 207 of the Pennsylvania Rules of Criminal Procedure and is as follows:
- a. A law enforcement officer executing a search warrant shall, before entry, give or make reasonable effort to give, notice of their identity, authority and purpose to any occupant of the premises specified in the warrant, <u>UNLESS exigent circumstances require immediate forcible entry.</u>
- b. Such officer shall await a response for a reasonable period of time after their announcement before gaining entry into the property.
- c. If the officer is not admitted after such a reasonable period of time, they may forcibly enter the premises and may use as much physical force to effect entry therein as is necessary to execute the search warrant.

NOTE: The courts have not precisely and uniformly determined the exact period of time that can be considered "reasonable". However, recent court decisions have shown that 30 seconds should be the minimum time police personnel should delay their entry into a property after announcing their presence and purpose.

A review of the Lieutenant Monk's deposition revealed he was asked, "What is the knock and announce rule?" He replied, "the knock and announce rule is when you knock on the door to give the occupant sufficient time to open the door." (Page 37). He was also asked, "Based on the training that you've received with regards to the policies and procedures of the Philadelphia Police Department, what is the purpose of the knock and announce rule?" He responded, "Again, we perform a knock and announce,

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⁹ Pennsylvania Rules of Criminal Code, Rule 207

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again, to make the occupant aware that the police are on their -- at their door and allow them time, sufficient time, typically 25, 30 seconds, to open the door." (Page 38) He was asked, "How long -- how much time passed between that knock and the front door being breached?" He replied, "If I was to guess, 15, 20 seconds perhaps" (Page 39) (This information is inconsistent with the timing sequence I conducted utilizing the video obtained.) Lieutenant Monk was asked, "But regardless, the point being that you knew that you were giving less time than you would have if it had been a front door that you knew was occupied, correct?" He replied, "Yes." (Page 42). He also stated, "I followed my training, but no, I did not allow the 30 seconds." (Page 44) This clearly shows that Lieutenant Monk was aware of providing sufficient time to surrender the residence, but purposely did not allow that time. He later revealed that there were no exigent circumstances to breach the door earlier. (Page 44).

Lieutenant Monk also agreed that Sergeant Mellody could have figured out whether or not it was necessary to go through the first-floor apartment to get to the second floor (Page 51) and could have called the property management (Page 52). He indicated he was not aware of a rear door prior to breaching Ms. Alvarado's door. (Page 53). Later, Lieutenant Monk was asked, "That door that was breached, prior to breaching that door, you were not concerned with allowing enough time for anyone who might be behind that door an opportunity to voluntarily surrender the premises, correct?" He replied, "Incorrect, because again, we performed a knock and announce. Though it may have been shorter, we did perform a knock and announce." (Page 83). When asked, "So is it your testimony that you ordered the breach of Ms. Alvarado's front door sooner than you might have otherwise because you heard dogs barking?" He replied, "That combined with the fact that typically it's an exterior door and there are apartment doors behind it." (Page 86). (This again shows that there were no exigent circumstances in this situation. Also, he is suggesting that he has not reached the "No doubt" threshold as per PPD policy.) Also, if the exterior opened into a common hallway or foyer, the allotted time must still be given to answer and surrender the residence. It was also to his knowledge that no one under his command made any effort to ascertain who resided on the first floor. (Page 93). He was later asked, "Was there any higher requirement implemented by the Philadelphia Police Department, to your knowledge, for breaching someone's front door, other than mere possibility that that door might lead to a residence where you were legally allowed to be?" He replied, "Not that I am aware of." Again, PPD directive 5.7 related to search warrants states the "executing officer have *no doubt* as to who or what can be seized and where they may be found."

I reviewed the deposition of Officer Edward Song dated 5/15/23. Officer Song was identified as the individual who discharged his firearm mortally wounding Ms. Alvarado's dog during this incident. He was also the first individual who entered the residence to execute the search warrant. He was asked, "Please tell me to the best of your understanding what the knock and announce rule is?" He replied, "You knock and announce the warrant charges, you give ample amount of time for the person to come answer the door, and if they don't answer then the order is given to breach the door." (Page 18) He also indicated that between knocking and breaching, you should allow at least 30-40 seconds. (Page 21). When asked, "When you executed the warrant at Ms. Alvarado's house, did you have any information provided to you as to who lived on the first floor of that building?" He replied, "We were given information -- no. We were just given

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information that it was -homicide gave us a warrant to serve on this gentleman that was wanted for homicide, he was supposed to be in the second-floor rear and that's who we were going after." Officer Song later confirmed the area they entered into the residence by looking at the picture (Song Exhibit 1) that there was no second floor above it. (Page 32) and also "that there is no second floor in that front room." (Page 33)



When Officer Song was asked, "When you walked through the door that had been breached, did it occur to you that you might be entering the residence of someone other than the person named on the warrant?" He replied, "Ninety percent or even more than that, if there's a two-story apartment you can enter the front door and it's like a foyer area and it's a separation from going straight and going up to the second floor and another door that goes into the first floor." (Page 40). As previously stated, Officer Song acknowledged there was no second floor at the front of the residence, therefore, it would have been unreasonable to gain access to the 2nd floor from the front first floor. Officer Song advised the residence had a rear door and the warrant actually stated "rear" on it. (Page 43). He was asked, "Based on your training from the Philadelphia Police Department, do you believe that enough ample time was provided to Ms. Alvarado between the door being knocked on, for her to answer the door before the door was breached?" He replied, "I believe there was" and "Like I said before, 30 to 40 seconds at the least. (Page 65 & 66). Officer Song later stated there were no exigent circumstances during the execution of the warrant. (Page 67 & 76). He later advised when shown PPD Directive 5.7 related to search warrants, that he could not recall seeing that document prior. (Page 92). When asked, "In your opinion, having, you know, whatever training you've received from the Philadelphia Police Department and the fact that you were there, do you believe that Ms. Alvarado was given an opportunity to surrender the premises before her front door was breached?" He replied, "Yes." (Page 93). Officer Song was then asked, "Right. So, if only two seconds passed between

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the knock and the door being breached, would it be fair to say that she was not given an opportunity to surrender the premises?" He replied, "Yes." (Page 95).

I reviewed the deposition of Officer Ashford dated 5/22/23. He was asked, "So based on the training that you've received as a member of the Philadelphia Police Department, how much time should you let pass between knocking on someone's front door to -- to enforce a warrant and before you actually breach the front door? He replied, "I would say 20 to 30 seconds." (Page 40). He was also asked, "My question is do you personally know -- just a yes or no question. Do you personally know what the policies and procedures are of the Philadelphia Police Department with regards to the knock-and-announce rule?" He replied, "No." (Page 44).

I again reviewed the deposition of Detective Scally. Detective Scally advised he had a lot of experience with search and arrests warrants (Page 11) and is familiar with the policies and procedures of them (Page 12). He advised he heard the knocks on the door then heard the door rammed (Page 14). He believed officers waited 15-30 seconds after the knock and announce prior to entry (Page 14). (That was inconsistent with what was viewed in the video.) When asked to explain the meaning of knock and announce, he stated, "That is what I basically described, a knock and announce what they are here for. Usually, it's a search warrant or arrest warrant. And then they wait a certain amount of minutes or not minutes, but time. And then they breach the door." (Page 15)

I reviewed the deposition of Officer Quintana dated 5/23/23. He was asked, "Are you familiar with something called the knock and announce rule? He replied, "Yes." He was asked, "What is the knock and announce rule? He replied, "When you announce that you're serving a warrant, you're supposed to give about 30 seconds to a minute before you breach the property." (Page 17). When asked about training for the "knock and announce rule," he was asked, "So it's your testimony that at least once a year you and the other members of the SWAT Unit are informed that there's something called the knock and announce rule that requires you to allow at least 30 to 60 seconds between knocking on a front door and attempting to breach the property, correct?" He replied, "Yes." (Page 19). He was also asked, "So from your position in the rear of the building, you could actually hear someone yell breach?" He replied, "No. I could hear when they knock and announce and then I could hear the actual breach, like a ram hitting a door." (Page 16). Officer Quintana was asked, "So when the ram hit the door, that was loud enough that you could actually hear it hit the door from the rear of the building?" He replied, "Yes." (Page 16). He was asked, "How much time passed between the knock and the door being breached?" He replied, "I don't recall. Anywhere from 30 seconds to a minute." (Page 16). "When you say anywhere between 30 seconds and a minute, what's your basis for that?" He replied, "Based on what I remember between the knock and announce, the screams, you know, the officer screaming they were serving a warrant, and then based on the time that I could hear the door get breached and then more or less the time between that and the one gunshot, that was maybe a minute, minute and a half." (Page 16). He was asked, "Do you think it's possible that your experience that officers should allow at least 30 to 60 seconds under the knock and announce rule has been so routine in your experience, something you've experienced so many times, that you may remember this incident as a time where that rule was followed because you've seen it followed so many times?" He

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replied, "I was going by my memory from being in the rear and listening to radio communication as to when they arrived. It's just based on my memory." (Page 21).

I reviewed the deposition of Officer Eric Clark dated 9/21/23. He confirmed he has received training on the "knock and announce rule" as being a member of the PPD. When asked, "Is your only knowledge as to what the knock and announce rule training that you've received from the Philadelphia Police Department?" He responded, "Yes. I would say that's basically we're told to knock and announce, give a reasonable amount of time depending on the circumstances and breach the door." (Page 19). He indicated when the SWAT Unit is executing a search warrant, the supervisor says when to breach the door (Page 24). He was asked if he could wait as little as 10 seconds, he advised, "Yeah, if exigent circumstances or something to that nature, yeah, possibly." (Page 26) He later indicated he was not aware of any exigent circumstances (Page 67). Officer Clark was asked, "Under the knock and announce rule, when you knock and announce your presence, are you required to give the occupants of the structure enough time to voluntarily surrender the structure?" He responded, "Yes." (Page 33) When asked, "And you definitely never received any training from the Philadelphia Police Department about providing a certain amount of time or anything like that, correct?" He responded, "Like I said, not that I'm aware of." (Page 34) Officer Clark confirmed he had the ram and breached the door because he was told to by the supervisor (Page 64). He also advised there was only a few seconds before the door was breached after the knock (Page 70). After being shown the video and confirming it was only approximately seven seconds until the door was breached after the knock, he was asked, "So at most we've got about seven seconds. Does that comply with the requirements of the knock and announce rule under your understanding pursuant to whatever training you've received from the Philadelphia Police Department, including the SWAT unit?" He responded, "Yea, I guess." (Page 80) Officer Clark later advised it was a reasonable amount of time (Page 82).

I reviewed the deposition of Officer Cyprian Scott dated 9/21/23. When he was asked why was the building breached, he responded, "There was no answer at the door after numerous times knocking and announcing police." (Page 16) When he was asked how much time passed between the first knock until the door was breached, he responded, "I would say a good minute to a minute -- about a minute, minute 15 seconds maybe." (Page 16) ** These two answers are inconsistent with what is seen on the video of the breach as my timing sequence indicates. ** He indicated he heard the officer knocking on the door (Page 16). When asked if he had ever heard of something called the knock and announce rule, he advised, "I believe you knock and announce and you wait at least 45 seconds, if I'm not mistaken, before a door has to be breached." (Page 16) Officer Scott stated that is how he was trained by the PPD. (Page 17). He advised it was a violation of the constitution to enter a private citizen's residence without knocking and announcing first (Page 19) When asked as of June 4, 2021 that if you hadn't waited at least 45 seconds before entering Ms. Alvarado's property, that was a violation of the constitution, correct?" He responded, "Yes." (Page 19).

I believe the officers did not wait a <u>reasonable amount of time</u> prior to entering into the residence. The only explanation Lieutenant Monk and Sergeant Mellody provided was a dog began barking. This was not a "no knock" search warrant. It was a "knock and announce" warrant, therefore, the dog barking did not

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provide exigent circumstances for the officers to enter almost immediately after announcing themselves and did not place the officers at a tactical disadvantage or increase safety issues. "The dignity and privacy protected by the fourth amendment demand a certain propriety on the part of policemen even after they have been authorized to invade an individual's privacy. Regardless of how great the probable cause to believe a man guilty of a crime, he must be given a reasonable opportunity to surrender his privacy voluntarily."10

Again, the timing sequence depicts a very short amount of time the officers allowed for Ms. Alvarado to answer the door, just because a dog began to bark. "Accordingly, even where the police duly announce their identity and purpose, forcible entry is still unreasonable and hence violative of the Fourth Amendment if the occupants of the premises sought to be entered and searched are not first given an opportunity to surrender the premises voluntarily." In the search warrant it states the following items of evidence that the police were looking for:

"Any and all firearms, ammunition, or other ballistic evidence, clothing including dark colored pants, dark belt, black, white, and orange or red Puma sneakers, cellular phone, and any and all other items deemed to be of evidentiary value to this investigation." (D000058)

I don't believe the officers were in fear of the suspect escaping as officers were in the front and rear of the residence, and they were attempting to locate the suspect on the 2nd floor rear. I also don't believe officers were in fear of the suspect destroying evidence.

According to Rule 207, I don't believe there were any exigent circumstances that would allow the forcible entry into the residence without allowing reasonable amount of time to surrender the premises. As previously stated, there was no added safety issue from the barking dog or tactical disadvantage to enter for safety reasons. No officers provided an exigent circumstance during their depositions.

Both Officer Clark and Officer Murray gave conflicting information in their depositions of who performed the knock and announce on the date of this incident. It is clear one person conducted the knock and announce while a separate person conducted the breach of the door with the ram. The video has no audio and the person who conducted the knock and announce goes out of view for a few seconds when they approach the door. Regardless of who conducted the knock and announce, there was insufficient time between that and when the door was breached to allow a person reasonable amount of time to voluntarily surrender their residence, and in this case, also secure the dog who was mortally wounded.

Opinion 3: Lieutenant Monk and Sergeant Mellody failed to supervise the operation properly from the "recon" of the residence to the execution of the search warrant.

From the documentation provided for this case, it appeared that Lieutenant Monk was the highest-ranking officer for this operation. According to SOP, he would be the individual who approved this operation. He

¹⁰ Commonwealth v. Demichel 442 Pa. 553 (Pa. 1971) • 277 A.2d 159

¹¹ Abid

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ordered the execution of the search warrant at the wrong address as listed in the search warrant, and also ordered officers to execute the search warrant prior to allowing a reasonable amount of time for the resident to allow SWAT entry into the building to voluntarily surrender the residence.

A review of PPD Directive 5.7 Search Warrants also states;

- C. Exceptions to the Knock and Announce Rule
 - 1. The only exceptions to the "knock and announce" rule which will permit an officer to disregard its provisions are:
 - a. When occupants remain silence after repeated knocking and identification by officers and continued compliance with the Rule would be fruitless;
 - b. When the police are virtually certain that the occupants of the premises already know their purpose;
 - c. When the police have reason to believe that an announcement prior to their entry would imperil their safety; and
 - d. The police have reason to believe that evidence is about to be destroyed.
 - 2. Sworn personnel should be prepared to clearly articulate to the courts why the "knock and announce" rule was violated and produce any evidence to support their decision to do so.
 - 3. In addition, where exigent circumstances have occurred during the servicer of the warrant, they will be noted on the Complaint or Incident Report (75-48). The assigned investigator will also describe on the Investigation Report (75-49), in detail, the exigent circumstances and explain why the "knock and announce" rule was violated."

I have received no documentation that explains why the officers violated the "knock and announce" rule by not providing a reasonable amount of time for the occupant to answer the door and voluntarily surrender her residence. Lieutenant Monk stated in his typed statement (D000044) that he gave the order to breach after hearing the dog bark. As stated in the timing sequence, Officer Clark began to walk to the door to utilize the ram approximately 2 seconds after the knock and announce and 8 seconds before the first time the ram was utilized. This was not only a clear violation of the Pennsylvania Rules of Criminal Code 207, but also PPD Directive 5.7.

I reviewed PPD SOP 26 SWAT Unit Operational Planning. It states:

- "2. Responsibility
- A. The supervisor, who will brief the Operation, will be responsible to establish the Operational Plan unless exigent circumstances exist.

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B. The Operational Plan will be approved by the **highest-ranking SWAT Supervisor** available, through the chain of Command."

During the deposition of Lieutenant Monk, he was asked, "the warrant specifically says second floor rear, does it not?" He replied, "I have not seen the warrant." (Page 27).

Sergeant Mellody was the supervisor who was responsible for the reconnaissance of the residence. He conducted no surveillance and did not take into account of how the second-story was set back from the first floor. In his deposition he advised he was responsible for where they would make entry into the residence. He stated he was notified of the warrant when he arrived at work the night before. He had 2 days to execute the warrant. More time was available to do a more though and complete reconnaissance in order for the correct apartment to be searched.

I reviewed the discipline history of Lt Monk. If I am reading it properly, it states that LT Monk was found guilty of an administrative charge of "Neglect of Duty" for failing to supervise on 5/2/03. He again, was found guilty on a separate administrative charge for "Neglect of Duty" for failing to supervise on 7/17/09.

Opinion 4: The Philadelphia Police Department improperly investigated this incident and provided inconsistent information about what had occurred pertaining to the execution of the search warrant and breach of the residence of Felishatay Alvarado.

I reviewed the following three documents:

- 1. Officer Involved Shooting (OIS) Investigation Unit Preliminary Report (D000121-D000122) prepared by Detective Horn dated 6/4/21. The OIS investigation Unit Preliminary Report states on page 1 (D000121);
 - "Sergeant Mellody was a part of the entry team with additional officers; the SWAT Unit was positioned (in a stack formation) at the front door: they knocked and announced their presence with no response from inside of the home. At that point, members of the SWAT Unit heard a dog barking from inside. A second knock and announce was performed with negative results and the dog continued to bark. Lieutenant Monk ordered the front door entry team to breach the front door, utilizing a ram."
- 2. Officer Involved Shooting Investigation Unit Final Report (D000003-D000010) prepared by Detective Horn. The Final Report states on page 1 (D00003);

"The SWAT Unit was stacked at the front door residence and knocked and announced their presence with no response from inside of the home. SWAT subsequently used a ram to take down the front door and entered the residence."

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3. Memorandum to the Police Commissioner from the Commanding Officer of Internal Affairs Division prepared by Lieutenant Mark Bugieda dated 1/3/23. The memorandum states on page 1;

"Upon their arrival, the SWAT officers positioned themselves in a stacked formation at the front door of the residence, knocked and announced their presence. The officers received no response from inside the residence. SWAT officers then heard a dog barking inside the residence. Lieutenant Monk gave an order to breach the front door, utilizing a ram. Officer Clark then struck the entrance door with a ram, breaching the door." (D000110)

On page 10 the memorandum states;

"Upon their arrival, the SWAT officers positioned themselves in a stacked formation at the front door of the residence. <u>Officer Clark knocked and announced their presence</u>. The officers received no <u>response from inside the residence</u>, but the officers could hear a dog barking from inside the residence. Lieutenant Monk gave an order to breach the front door, utilizing a ram." (D000119)

As I showed with the timing sequence, I obtained from viewing the video surveillance from the Deli three doors down (Surveillance video A10_20210604053500_002.mp4), the video clearly shows the officers provided approximately 2 seconds before giving the order to breach the door after they "knocked and announced," and approximately 8 seconds when the door was first struck with the ram. The OIS Preliminary Report states a second knock and announce was performed which clearly did not happen. It is understandable that the Preliminary Report may have inaccurate information as all the facts of the case may not have been collected when the report was prepared. The Final Report also states that "no response" was obtained. In the Final Report Detective Horn wrote that the video surveillance was collected from the front and rear of the residence, therefore, he must have viewed it as he wrote, "Exterior cameras from both the front and rear were recovered and show SWAT lining up and entering the property." (D000009). The video and timing sequence shows that statement to be inaccurate as no reasonable amount of time was allowed for Ms. Alvarado to answer the door.

The report prepared by Lieutenant Bugieda also states that "no response" was obtained when officers "knocked and announced." He wrote in his report on page 8 the timed events as they occurred on video (D000117) as shown below:

"Title: A10 20210604053500.MP4, Camera 10

Length: Thirty-four (34) minutes and fifty-nine (59) seconds.

- At 5:37:04 AM, SWAT officers line up on the sidewalk, while front containment and breach officers are positioned in front of 4664 Torresdale Avenue.
- At 5:37:27 AM, a SWAT officer strikes the front door of 4664 Torresdale A venue with a ram. SWAT officers in a stacked position enter 4664 Torresdale Avenue. Approximately two (2) minutes later, the

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Phone: 609-214-6449

SWAT officers exit the property through the front door, and walk around the block to the rear of the property."

I agree with his time that the SWAT officer strikes the door at 5:37:27 which is indicated on my timing sequence, but Lieutenant Bugieda failed to document when the officer "knocked and announced" and when the officer began to approach the door to strike it with the ram, therefore, he did not understand that no reasonable amount of time was provided to Ms. Alvarado to surrender her residence to officers. These investigation reports failed to indicate that officers violated Directive 5.7 pertaining to "Search Warrants" as well as the Pennsylvania Rules of Criminal Code, Rule 207, and SOP 31 "SWAT Unit Warrant Service."

Opinion 5: The Philadelphia Police Department violated Felishatay Alvarado's 4th Amendment rights when Officer Song discharged his firearm mortally wounding the dog that was considered property of Felishatay Alvarado by not allowing her time to secure her dog which was also a violation of policies and procedures of the Philadelphia Police Department.

As previously stated in this report, the PPD did not wait a reasonable amount of time before breaching the 1st floor front apartment of Felishatay Alvarado. Again, this was a "knock and announce" search warrant where Pennsylvania Rule 207 and PPD Directive 5.7 clearly indicate that police must wait a "reasonable amount of time" prior to entering into a premises to execute a search warrant. As shown by the video surveillance and timing sequence I constructed, Officer Clark began walking to the front door with the breaching tool approximately 2 seconds after the "knock and announce" was conducted. Lieutenant Monk advised "I could hear a dog barking and I gave the order to breach." (Monk typed statement Page 2, D000044). Due to the fact that a reasonable amount of time was not provided for Felishatay Alvarado to voluntarily surrender her residence prior to the breach of the front door, it also did not allow for her to secure her dog. "A seizure of property occurs when there is some meaningful interference with an individual's possessory interests in that property."12 The dog was clearly property of Felishatay Alvarado while she was inside her home. Again, there was no exigent circumstances to immediately enter the residence while executing a "knock and announce" search warrant. Officer Song later discharged his firearm one time mortally wounding the dog in the living room of the residence. "Destroying property meaningfully interferes with an individual's possessory interest in that property." ¹³ In Pennsylvania, by statute, "All dogs are declared to be personal property and subjects of theft."14 I understand that this search warrant was pertaining to a homicide investigation where an individual was shot, but again, this was a "knock and announce" search warrant.

I reviewed PPD Directive 10.1 "Use of Force-Involving the Discharge of Firearms." It states:

B. Discharging Involving Other Animals

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¹² United States v. Jacobsen, 466 U.S. 109, 104 S. Ct. 1652, 80 L. Ed. 2d 85 (1984).

¹³ Abid

¹⁴ 3 Pa. Stat. Ann. § 459-601(a).

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1. Police Officers shall not discharge their firearm at a dog or other animal except to protect themselves or another person from physical injury <u>and there is no other reasonable</u> <u>means to eliminate the threat</u>, or when acting consistently with existing Department guidelines authorizing the human destruction of a deer."

As previously stated, there was no exigent circumstances to enter the residence to violate the "knock and announce" rule. The officers heard the dog barking when they were outside the front 1st floor residence and attempt no other means to control or secure the dog prior to breaching the door.

I also reviewed the "Dog Encounters" training block that was provided to Officer Song after the incident occurred (D000235-D000241). It states on page 1:

B. Training Objectives

- *Identify and respond to indicators that a dog is present in a location.*
- 1. Failing to anticipate a dog on the premises is a frequent mistake that officers make.
- 2. Food/water bowls, leashed/chains, worn paths in lawn usually mean the presence of a dog.
- 3. Notify owner that you are there and tell them to contain their dog.
- 4. Make noise, shake fence, call to dog to avoid surprises for you or the dog.
- *Identify tools and methods of avoiding or warding off a dog attack.*
- 1. Officers' body position, tone of voice, and other "tricks" can avoid their being perceived as a threat by the dog.
- 2. Baton, night stick, ASP. Pepper spray tools readily at hand-can be used to counter a dog attack.
- 3. When all other means fail to stop the threat, lethal force is justified."

Officer Songs and all the other officers on scene including Lieutenant Monk clearly knew a dog was present and failed to have a contingency plan to deal with it or utilize any other reasonable means to secure the dog. Officer Song or any other officer on scene made no attempt to utilize other tools at their disposal. According to Officer Song's Internal Affairs Typed Statement (D000125-000131), he turned to the left as he entered the residence to clear the corner of the room (D000126). He then advised "the rest of the team was heading back toward the back of the first floor" (D000127). This clearly shows that while Officer Song was dealing with the dog, it did not stop the remainder of the SWAT Unit from performing their job, therefore, no further danger or exigent circumstances existed.

I reviewed the deposition of Lieutenant Monk. When asked, "As of June 2021, to your knowledge, did the Philadelphia Police Department have any sort of policy or procedure in place as to how members of the

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SWAT Unit should deal with dogs at private residences, if they encounter them?" He replied, "I can't state that there is a policy in regards to that, no." (Page 78).

OPINION 6: The Philadelphia Police Department failed to follow nation standards in the planning and execution of this search warrant.

I reviewed the letter from the Pennsylvania Law Enforcement Accreditation Commission (P.L.E.A.C.) dated October 28, 2021. It stated that the Commission unanimously voted to <u>re-accredit</u> the Philadelphia Police Department. This insinuates that the PPD was accredited prior to this and would predate the date of this incident which was June 4, 2021. The PPD Directive 5.7 pertaining to search warrants dated 4/29/16 lists PLEAC standards 1.2.3, 2.7.1, 2.7.2 a,b,c,d,e as referred to in their directive. These standards only state that the police department should have a directive on how legal processes (such as search warrants) should be documented for records purposes. The standards are listed below are updated from 4/22:

LEGAL PROCESS

Records

- 2.7.1 A written directive that includes information regarding each item of legal process, civil and/or criminal, shall be recorded and include, at minimum, the following elements: (04/19)
 - a. date received;
 - b. type of legal process, civil or criminal;
 - c. nature of document;
 - d. source of document;
 - e. name of plaintiff/complainant or name of defendant/respondent;
 - f. officer assigned for service;
 - g. date of assignment;
 - h. court docket number, warrant number, or other identifying number; and
 - i. date service is due or date of service.

Narrative: This system of records should allow entries to be retrieved by docket number, name or unique number assigned to allow cross-reference.

- 2.7.2 A written directive that provides for procedures for and documenting of a record of the execution or attempted service of legal process documents shall be maintained and include at minimum, the following elements: (04/19) (04/22)
 - a. date and time service was executed/attempted;
 - b. name of sworn law enforcement officer(s) executing/attempting service; (04/22)
 - c. name of person on whom legal process was served/executed;
 - d. method of service/reason for non-service; and (04/22)
 - e. address of service/attempt.; and (04/22)

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f. execution of criminal arrest warrants, civil arrest warrants, or writs requiring the seizure of real or personal property are to be performed by a sworn law enforcement officer. (04/22)

Narrative: Basic information must be maintained for each execution or attempted execution of legal process documents.

I located the International Association of Chiefs of Police (IACP) Model Policy pertaining to executing search warrants dated February 2005. The IACP is the world's largest and most influential professional association for police leaders. With more than 33,000 members in over 170 countries, the IACP is a recognized leader in global policing, committed to advancing safer communities through thoughtful, progressive police leadership. Since 1893, the association has been serving communities by speaking out on behalf of law enforcement and advancing leadership and professionalism in policing worldwide. The policy states:

B. Preparation for Executing the Warrant

1. The case agent and tactical coordinator, where required, work cooperatively to ensure proper preparation, planning, and service of the warrant. They shall detail procedures for executing the warrant to all team members in a warrant service briefing. The plan briefing shall be conducted by both the case agent and tactical coordinator and will include but not necessarily be limited to the following:

- a. The specific items subject to the search as defined in the warrant and any available information on their location.
- b. Information concerning the structure to be search and surroundings, to include floor plans where available, mockups, photos, and diagrams of the location identifying entrances, exits, obstructions, fortifications, garages, outlying buildings, suspect vehicles, and all other points of concern.
- c. Suspects and other occupants who may be present at the location—incorporating photos or sketches whenever possible—with emphasis on suspect threat potential, as well as the presence of children, the elderly or others who may not be involved with suspects.
- d. A complete review of the tactical plan to include the staging area, route of approach; individual assignments for entry, search, management of evidence, custody and handling of seized vehicles, custody of prisoners, and post-execution duties such as securing the location and conducting surveillance on the site for additional suspects.
- e. Personnel, resources, or armament necessary for gaining entry, safety and security of officers, or for conducting the search.

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- f. If a joint agency task force operation, all officers participating in the warrant service shall be present and identified as members of the warrant service team.
- g. Contingency plans for encountering hazardous materials, <u>canines</u>, booby traps, fortifications or related hazards; measures to take in case of injury or accident, to include the nearest location of trauma or emergency care facilities
- h. Procedures for exiting the location under emergency conditions.

C. Entry Procedures

- 1. If an advance surveillance team is at the target site, radio contact shall be made to ensure that the warrant can be served according to plan.
- 2. The search personnel shall position themselves in accordance with the execution plan.
- 3. Notification
 - a. An easily identifiable police officer shall knock and notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he/she is a police officer and has a warrant to search the premises, and that he/she demands entry to the premises at once.
 - b. Following the knock and announce, officers shall delay entry for an appropriate period of time based on the size and nature of the target site and time of day to provide a reasonable opportunity for an occupant to respond (normally between 15 and 20 seconds). If there is reasonable suspicion to believe that the delay would create unreasonable risks to the officers or others, inhibit the effectiveness of the investigation, or would permit the destruction of evidence, entry may be made as soon as practicable.

APPENDIX A: PRE-SEARCH PLANNING CHECKLIST

- A. Target Location Considerations
 - 1. Can the site be penetrated by gunfire?
 - 2. Does the target site pose a fire hazard?
 - 3. Are there underground parking facilities, attached garages, or additional buildings on the curtilage?
 - 4. Where are the access points, on upper and lower levels, approach issues related to access points, and points of cover at approach point(s)?
 - 5. Which way do doors and windows open?
 - 6. Does the target site have an alarm system or warning device?

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- 7. Is there evidence of reinforced entrances or fortifications?
- 8. Barred windows or doors
- 9. Backing mesh
- 10. Appearance of double locks on doors?
- 11. Are there any lookouts, and if so, where, how many, warning devices used, signals?
- 12. Evidence of children, such as bicycles or swings?
- 13. Evidence of elderly, disabled, handicapped or other uninvolved persons?
- 14. Unusual obstacles to entrance?
- 15. Can a reasonably accurate floor plan be obtained or constructed?
- 16. Attitude of neighbors: hostile or friendly?
- 17. Evidence of dogs? If so, how can they best be controlled?
- 18. Where is the electrical box and is it accessible?

I also reviewed the IACP "Concepts and Issues" pertaining to the execution of search warrants dated February 2006 which states:

Whenever possible, photographs should be taken of the location and the immediate surroundings. If available, a helicopter is ideal for taking photographs. Photographs can identify safe approach routes and provide views of areas obstructed by vegetation, fencing, walls, or other natural or manmade obstacles that could affect the approach or entry. Other useful photographs can be easily obtained from a surveillance location, or stationary or moving vehicle. For example, if it is a detached home, the officer should note the proximity of adjoining homes and should attempt to determine who occupies these locations. If occupants of those locations are sympathetic to or in conspiracy with suspects at the target site, they may serve to alert the suspects to either police surveillance or their approach to the location. On the other hand, if neighbors or others occupying locations in the immediate area are cooperative and trustworthy, they may allow authorities to utilize their locations briefly for purposes of surveillance. Video cameras are also very useful in this regard as they may cover more area in a shorter time frame and add greater continuity to photographic coverage.

The same type of information should be established for multiple family units with added emphasis on safety should it be necessary to use firearms. The volume and nature of pedestrian and vehicular traffic in the immediate area should be established at the time of day in which the warrant will be executed. This information will have obvious safety implications for the operation, dictate whether

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special consideration should be given to traffic control, and will also help to establish whether there is a need to deal with lookouts or other accomplices that may be operating in the area.

I reviewed the PPD Directive 10.4; Use of Force Review Board (UFRB). It states that "all police involved shootings shall be reviewed." (Page 1) Although this incident did not involve deadly force toward a citizen, it did involve the discharge of an officer's duty weapon during the course of their duties. The directive also states, "No Use of Force Violations, but Other Departmental Violation Discovered: The actions of the officer were in accordance with Departmental Use of Force policy or objectively reasonable under extraordinary circumstances, but other Departmental violations not related to the use of force are discovered. The review will be marked "Justified - Use of Force within Departmental Policy – Other Departmental Violations Discovered - Not within Departmental Policy."

NOTE: The Chairperson will notify the Police Commissioner in writing and forward the case to the charging unit for the appropriate disciplinary charges to be filed against the officer." (Page 3)

I opine that several departmental violations occurred during the course of this incident as previously stated which include the executing the search warrant at the wrong location, and not following the knock and announce rule which also led to the shooting of the dog. I requested, but did not receive, the complete IAB investigation which would have documented any department violations if they occurred. I also requested the Use of Force Review Board documentation and recordings which were not provided to me. The UFRB would also have department violations documented if they occurred. On Page 11 of Lt Bugieda's memorandum to the Police Commissioner, it states:

"This investigation Report should be forwarded to the Use of Force Review Board (UFRB) to review the totality of the circumstances and issue a final determination regarding the Philadelphia Police Department's policy Directive #10.1, pertaining to the use of deadly force."

Opinion 7: The Philadelphia Police Department failed to train its officers on policies and how to deal with dog encounters.

A review of the officers' depositions showed that a large majority of the them stated they have had no training on dog encounters, specifically Lt Monk and Sergeant Mellody (Supervisors on scene) as well as Officer Song (Officer who mortally wounded the dog belonging to Ms. Alvarado.) A review of PPD SOP #36 – SWAT Unit Dog Neutralization Policy states:

- 1. Policy.
- A. SWAT personnel will use every means available to have vicious animals secured.
 - 1. Have owner secure the animal.
 - 2. Ensnare the animal.

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- 3. Remove or confine the animal.
- 4. Request the assistance of the PACCA.

B. SWAT personnel will not place themselves or allow others to place themselves in unnecessary or unreasonable danger of serious bodily injury by vicious animals.

- C. When there are no reasonable means of securing the animal, deadly force is justifiable against viscous animals. All guidelines of PD # 10 shall apply.
- D. If the animal is secured or contained and no one is claiming ownership PACCA will be notified
 - 2. SWAT Unit Supervisor Responsibility
 - A. Ensure alternative methods are **considered** when viscous animals may be present.
 - 1. High volume OC spray
 - 2. Dog Noose

A review of the "Dog Encounters" training states the following:

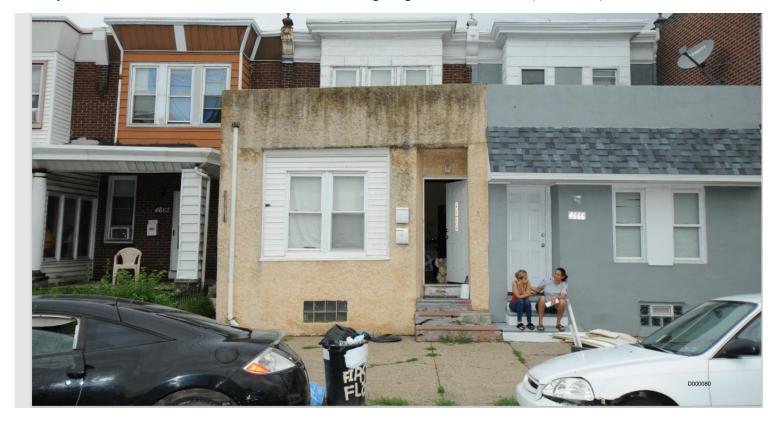
- B. Training Objectives
 - Identify and respond to indicators that a dog is present in a location.
 - 1. Failing to anticipate a dog on the premises is a frequent mistake that officers make.
 - 2. Food/water bowls, leashed/chains, worn paths in lawn usually mean the presence of a dog.
 - 3. Notify owner that you are there and tell them to contain their dog.
 - 4. Make noise, shake fence, call to dog to avoid surprises for you or the dog.
 - Identify tools and methods of avoiding or warding off a dog attack.
 - 1. Officers' body position, tone of voice, and other "tricks" can avoid their being perceived as a threat by the dog.
 - 2. Baton, night stick, ASP. Pepper spray tools readily at hand-can be used to counter a dog attack.
 - 3. When all other means fail to stop the threat, lethal force is justified."

I opine that the officers were not prepared to handle a dog encounter during this incident and did not even consider other alternatives prior to entering the residence. I have seen conflicting photographs regarding the "Beware of Dog" sign that was placed in the left front window of the Ms. Alvarado's residence. The

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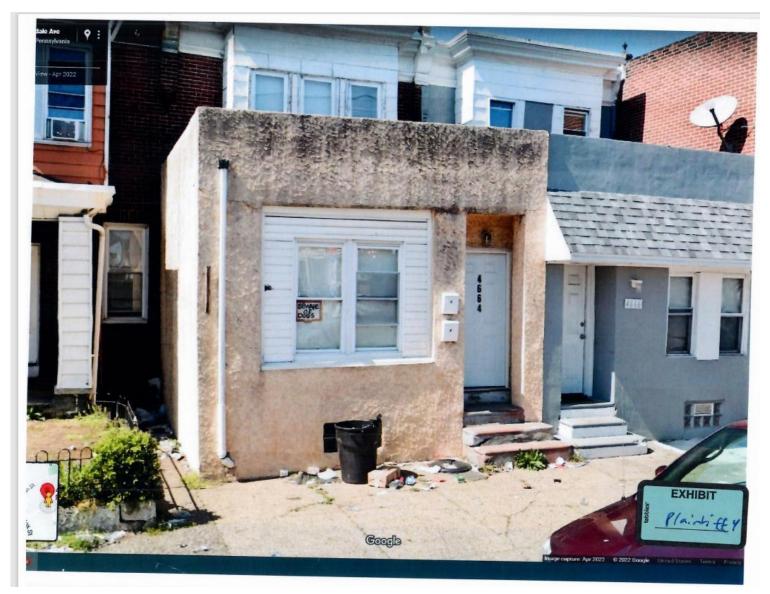
following is a Crime Scene photograph of taken after the incident occurred by Crime Scene detectives on the day of the incident. It shows no "Beware of Dog" sign in the window (D000080).



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The following photograph was exhibited and shown as plaintiff 4 which clearly shows the "Beware of Dog" sign in the left window:



If the sign was present in the hours leading up to the execution of the search warrant, it would have been displayed when Detectives drove past the residence and when officers conducted their reconnaissance.

Again, referring to the timing sequence I conducted, Officer Clark began to move toward the door within approximately 2 seconds of the knock and announce after LT Monk gave the order to breach the door after hearing the dog barking. No consideration for other alternatives were considered to handle the dog. Also, by not allowing Ms. Alvarado reasonable time to voluntarily surrender the residence and secure her dog,

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offices placed themselves in a situation to have to use deadly force on the dog.

Conclusion:

As previously stated, I have formulated ??? opinions that I hold to a reasonable degree of probability and certainty in the field of use of force based upon my training and experience:

- 1. SWAT officers from the Philadelphia Police Department violated the 4th Amendment rights of Felishatay Alvarado by illegally entering into her 1st floor, front apartment without having the legal authority to do so while executing a search warrant for a defendant believed to be located inside the 2nd floor, rear apartment which was also a violation of policies and procedures of the Philadelphia Police Department.
- 2. SWAT officers from the Philadelphia Police Department violated the 4th Amendment rights of Felishatay Alvarado by executing the search warrant by forcibly ramming the door and not allowing her a reasonable amount of time to voluntarily surrender her residence which was also a violation of policies and procedures of the Philadelphia Police Department.
- 3. Lieutenant Monk and Sergeant Mellody failed to supervise the operation properly from the "recon" of the residence to the execution of the search warrant.
- 4. The Philadelphia Police Department improperly investigated this incident and provided inconsistent information about what had occurred pertaining to the execution of the search warrant and breach of the residence of Felishatay Alvarado.
- 5. The Philadelphia Police Department violated Felishatay Alvarado's 4th Amendment rights when Officer Song discharged his firearm mortally wounding the dog that was considered property of Felishatay Alvarado by not allowing her time to secure her dog which was also a violation of policies and procedures of the Philadelphia Police Department.
- 6. The Philadelphia Police Department failed to follow nation standards in the planning and execution of this search warrant.

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Phone: 609-214-6449

7. The Philadelphia Police Department failed to train its officers on policies and how to deal with dog encounters.

I expand and support my opinions in the attached report. If more materials are provided regarding this incident, I reserve the right to add, change, and delete any of my opinions based on any provision of additional information not reviewed at the time this report was completed.

Sincerely,

Glenn Garrels

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Glan Grale

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EXHIBIT "C"

Transcript of the Testimony of: **OFFICER BRIAN MURRAY**

Date: August 11, 2023

Case: FELISHATAY ALVARADO v. CITY OF PHILADELPHIA

DIAMOND COURT REPORTING 406 REDBUD LANE MANTUA, NEW JERSEY 08051 856-589-1107 dcr.diamond@comcast.net

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and the State of New Jersey, there being present.	18		
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DIAMOND COURT REPORTING	20		
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e-mail: dcr.diamond@comcast.net	24		
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1 APPEARANCES: 2 VICTIMS' RECOVERY LAW CENTER	1		
2 VICTIMS' RECOVERY LAW CENTER BY: KEITH T. WEST, ESQUIRE	2	(It was stipulated by and bety	ween
3 THE NORTH AMERICAN BUILDING	3	counsel that signing, sealing,	
121 SOUTH BROAD STREET	4	certification and filing be waived	d; and
4 SUITE 1800 PHILADELPHIA, PENNSYLVANIA 19107	5	that all objections, except as to	the
5 Counsel for the Plaintiff	6	form of the question, be reserve	d until
Tel. (215) 546-1433	7	the time of trial.)	
6 E-mail: keith@victimrecoverylaw.com	8		
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9 ONE PARKWAY BUILDING 1515 ARCH STREET 10 14th FLOOR PHILADELPHIA, PENNSYLVANIA 19102 11 Counsel for the Defendants Tel. (215) 683-5114 12 E-mail: adam.zurbriggen@phila.gov	11 12 13 14 15	Badge Number 6068. This is the audio/video deposition for use a in the matter of the Alvarado ve City of Philadelphia, Case Numdash 3763.	t trial rsus the ber 22
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9 ONE PARKWAY BUILDING 1515 ARCH STREET 10 14th FLOOR PHILADELPHIA, PENNSYLVANIA 19102 11 Counsel for the Defendants Tel. (215) 683-5114 12 E-mail: adam.zurbriggen@phila.gov 13 ***** 14 15 16 17 18 ALSO PRESENT: 19 COURTNEY KITCHERMAN - THE VIDEOTAPE OPE	11 12 13 14 15 16 17 18 19 20 RATOR 21	Badge Number 6068. This is the audio/video deposition for use as in the matter of the Alvarado ver City of Philadelphia, Case Number 1975. I am the video operator. My is Courtney Kitcherman. And I employed by Victims Recovery My address is 121 South Bro Street, 18th Floor, Philadelphia. Pennsylvania 19107.	t trial rsus the ber 22 rname m Law Center.
9 ONE PARKWAY BUILDING 1515 ARCH STREET 10 14th FLOOR PHILADELPHIA, PENNSYLVANIA 19102 11 Counsel for the Defendants Tel. (215) 683-5114 12 E-mail: adam.zurbriggen@phila.gov ***** 14 15 16 17 18 ALSO PRESENT: 19 COURTNEY KITCHERMAN - THE VIDEOTAPE OPE 20 21	11 12 13 14 15 16 17 18 19 20 RATOR 21 22	Badge Number 6068. This is the audio/video deposition for use as in the matter of the Alvarado ver City of Philadelphia, Case Number dash 3763. I am the video operator. My is Courtney Kitcherman. And I'vemployed by Victims Recovery My address is 121 South Browstreet, 18th Floor, Philadelphia. Pennsylvania 19107. Today's date is August 11th audiovide au	rsus the ber 22 rname m Law Center.

	Page 5		Page 7
1	in person. The caption of this case is	1	instructs you not to, please continue. Okay?
2	Alvarado versus City of Philadelphia,	2	A. Very good.
3	Case Number 22 dash 3763.	3	Q. If you need a break at any point,
4	The witness being deposed today is	4	if you'd like some water, anything like that, just
5	Officer Brian Murray, Badge Number 6068.	5	let us know. We're not trying to make you
6	This deposition is being taken on	6	uncomfortable. Okay?
7	behalf of the plaintiff, Felishatay	7	A. Not a problem. Thank you.
8	Alvarado.	8	Q. And, likewise, if I ask you a
9	The officer taking this deposition	9	question and you answer it the assumption will be
10	is Douglas Diamond. And he shall swear	10	that you understood it. So if you have any
11	the witness in at this time:	11	trouble understanding a question, please just let
12		12	us know. I'll be glad to rephrase the question,
13	OFFICER BRIAN MURRAY, having been	13	if I can, speak louder or speak slower, anything
14	duly sworn, as a witness, was examined	14	like that. Just let us know if you have trouble
15	and testified as follows	15	understanding the question. Okay?
16		16	A. Okay.
17	EXAMINATION	17	Q. Your only obligation today is to
18		18	give truthful testimony based on what you
19	BY MR. WEST:	19	personally know. So at no point am I going to ask
20	Q. Good morning, Officer. Thanks for	20	you to guess or speculate. Okay?
21	coming in today.	21	A. Yes.
22	A. Good morning.	22	Q. Just if you know the answer, let us
23	Q. And we already talked. You've had	23	know what you know. The kind of partial exception
24	a chance to confer with your attorney and you're	24	to that is that we do want to know everything you
	Page 6		Page 8
1	prepared to proceed; correct?	1	know. So if you don't have an exact answer to a
1 2	prepared to proceed; correct? A. Correct.	1 2	know. So if you don't have an exact answer to a question, but you feel that you could give a
			·
2	A. Correct.	2	question, but you feel that you could give a
2	A. Correct.Q. My name is Keith West. I'm one of	2	question, but you feel that you could give a meaningful estimate or an approximation, we do ask
2 3 4	A. Correct.Q. My name is Keith West. I'm one of the attorneys representing the plaintiff in this	2 3 4	question, but you feel that you could give a meaningful estimate or an approximation, we do ask for you to give us your estimate or approximation.
2 3 4 5	A. Correct. Q. My name is Keith West. I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado.	2 3 4 5	question, but you feel that you could give a meaningful estimate or an approximation, we do ask for you to give us your estimate or approximation. Just let us know that's what you're doing. Okay?
2 3 4 5 6	A. Correct. Q. My name is Keith West. I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado. Have you ever been in a deposition	2 3 4 5 6	question, but you feel that you could give a meaningful estimate or an approximation, we do ask for you to give us your estimate or approximation. Just let us know that's what you're doing. Okay? A. Not a problem.
2 3 4 5 6 7	A. Correct. Q. My name is Keith West. I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado. Have you ever been in a deposition before?	2 3 4 5 6 7	question, but you feel that you could give a meaningful estimate or an approximation, we do ask for you to give us your estimate or approximation. Just let us know that's what you're doing. Okay? A. Not a problem. Q. The example I always give is if I
2 3 4 5 6 7 8	A. Correct. Q. My name is Keith West. I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado. Have you ever been in a deposition before? A. I have not.	2 3 4 5 6 7 8	question, but you feel that you could give a meaningful estimate or an approximation, we do ask for you to give us your estimate or approximation. Just let us know that's what you're doing. Okay? A. Not a problem. Q. The example I always give is if I asked you how many feet it is to the wall, you probably can't just eyeball it and say exactly. You would have to give kind of an
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Correct. Q. My name is Keith West. I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado. Have you ever been in a deposition before? A. I have not. Q. All right. Just it's not overly complicated, but just some ground rules so you understand how everything works. One of the major things is that we have the court reporter here. So we have to make sure that we don't speak at the same time. And all of our responses have to be verbal. The court reporter can't write down nods of the head, that kind of thing. Okay? A. Understood. Q. So everything has got to be spoken. And at the same time your attorney may occasionally have objections to questions I ask. Again, just make sure that we don't speak at the same time. So I might ask a question, pause. If	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	question, but you feel that you could give a meaningful estimate or an approximation, we do ask for you to give us your estimate or approximation. Just let us know that's what you're doing. Okay? A. Not a problem. Q. The example I always give is if I asked you how many feet it is to the wall, you probably can't just eyeball it and say exactly. You would have to give kind of an estimate based on your experience; right? A. Right. Q. But you might have a witness who grew up in France and only uses the metric system and you ask them how many feet something is, they have no idea. That person, we're not going to ask that person to guess. Just say I don't know. You get the difference; right? A. Correct. Q. All right. So, sir, this case arises from an incident that occurred at Ms. Alvarado's apartment, which was in the building
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Correct. Q. My name is Keith West. I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado. Have you ever been in a deposition before? A. I have not. Q. All right. Just it's not overly complicated, but just some ground rules so you understand how everything works. One of the major things is that we have the court reporter here. So we have to make sure that we don't speak at the same time. And all of our responses have to be verbal. The court reporter can't write down nods of the head, that kind of thing. Okay? A. Understood. Q. So everything has got to be spoken. And at the same time your attorney may occasionally have objections to questions I ask. Again, just make sure that we don't speak at the same time. So I might ask a question, pause. If he interjects, let him state whatever he wants,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	question, but you feel that you could give a meaningful estimate or an approximation, we do ask for you to give us your estimate or approximation. Just let us know that's what you're doing. Okay? A. Not a problem. Q. The example I always give is if I asked you how many feet it is to the wall, you probably can't just eyeball it and say exactly. You would have to give kind of an estimate based on your experience; right? A. Right. Q. But you might have a witness who grew up in France and only uses the metric system and you ask them how many feet something is, they have no idea. That person, we're not going to ask that person to guess. Just say I don't know. You get the difference; right? A. Correct. Q. All right. So, sir, this case arises from an incident that occurred at Ms. Alvarado's apartment, which was in the building located at 4664 Torresdale Avenue in the City of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Correct. Q. My name is Keith West. I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado. Have you ever been in a deposition before? A. I have not. Q. All right. Just it's not overly complicated, but just some ground rules so you understand how everything works. One of the major things is that we have the court reporter here. So we have to make sure that we don't speak at the same time. And all of our responses have to be verbal. The court reporter can't write down nods of the head, that kind of thing. Okay? A. Understood. Q. So everything has got to be spoken. And at the same time your attorney may occasionally have objections to questions I ask. Again, just make sure that we don't speak at the same time. So I might ask a question, pause. If	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	question, but you feel that you could give a meaningful estimate or an approximation, we do ask for you to give us your estimate or approximation. Just let us know that's what you're doing. Okay? A. Not a problem. Q. The example I always give is if I asked you how many feet it is to the wall, you probably can't just eyeball it and say exactly. You would have to give kind of an estimate based on your experience; right? A. Right. Q. But you might have a witness who grew up in France and only uses the metric system and you ask them how many feet something is, they have no idea. That person, we're not going to ask that person to guess. Just say I don't know. You get the difference; right? A. Correct. Q. All right. So, sir, this case arises from an incident that occurred at Ms. Alvarado's apartment, which was in the building

	Page 9		Page 11
1	June 4th of 2021.	1	else?
2	A. Okay.	2	A. No.
3	Q. Do you remember this incident, do	3	Q. All right. So you knew that the
4	you remember anything about it?	4	warrant only applied to the second-floor
5	A. I do.	5	apartment; correct?
6	Q. All right. I'll just ask you	6	MR. ZURBRIGGEN: Object to the
7	generally, can you tell me what you remember about	7	form.
8	that day?	8	But, Officer, you can answer.
9	A. That day we were serving a homicide	9	THE WITNESS: Correct.
10	warrant at that location for the second-floor	10	BY MR. WEST:
11	floor apartment.	11	Q. Okay. And did you know that the
12	Do you want me to go through the	12	warrant actually specified second floor rear?
13	whole	13	A. I did not.
14	Q. Yes, what you remember, sure.	14	Q. Okay. Do you know whether or not
15	A. That day I was working as a	15	the strike the question.
16	breacher slash hospital car, one of the breachers,	16	Let me just kind of lay a rule for
17	I should say. We approached the property, the	17	the deposition, if everyone agrees. The building
18	expectation being that we knew it was a	18	is the building at 4664 Torresdale Avenue, just so
19	second-floor apartment. There was markings, I	19	I'm not reading the address all the time. Moving
20	believe, of the number one and two both on that	20	forward if I say the building, that's the one I'm
21	door or possibly next to it. So the expectation	21	referring to, everyone's fine with that on here.
22	was that that was a common entry point at which	22	Okay?
23	point we would we knocked and announced. After	23	A. I'm good with it.
24	no response one of the supervisors gave us the	24	Q. Do you know whether or not the
	Page 10		_ 10
	rage 10		Page 12
1	command to breach. The door had been was then	1	building, I'll call it the building in question
1 2		1 2	
	command to breach. The door had been was then		building, I'll call it the building in question
2	command to breach. The door had been was then breached. Being a breacher, that means I'm one of	2	building, I'll call it the building in question because it makes more sense for the future, do you
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	command to breach. The door had been was then breached. Being a breacher, that means I'm one of the last few people to enter into the property. As we entered in, by the time I got in there, I knew at that point it was a it was no longer a common point entry, but there was a dog that had been aggressively coming towards Officer Song. And through the course of that confrontation the dog ended up being dispatched by Officer Song. Once the property was secured and they realized that there was no access to the second floor from the first-floor apartment I stayed and held the scene, itself. And the entry teams made their way to the back of the property and executed the second-floor warrant, I believe, through a fire escape. I'm not 100 percent sure on how that layout was because I never made it to the second floor. Q. Okay. Have you had a chance to review any documents in preparation for today's deposition? A. Yeah, my statement to Internal	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	building, I'll call it the building in question because it makes more sense for the future, do you know whether or not the building in question had another door besides the one that you breached? A. I mean, I personally did not see it. I wasn't the one who did the we do recons on the jobs. I wasn't the one who put eyes on the property prior to our serving the warrant. I know that they gained access to the second floor, so the assumption would be, yes, there's a door somewhere else leading to the second floor. Q. Okay. A. But in the front of the property, which is the only path I took, there was no other door. Q. Prior to breaching the door that you did breach at the building in question A. I didn't personally breach it, I don't believe. Q. Oh, I thought you were A. I was part of the breaching team. So you typically have according to my statement
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	command to breach. The door had been was then breached. Being a breacher, that means I'm one of the last few people to enter into the property. As we entered in, by the time I got in there, I knew at that point it was a it was no longer a common point entry, but there was a dog that had been aggressively coming towards Officer Song. And through the course of that confrontation the dog ended up being dispatched by Officer Song. Once the property was secured and they realized that there was no access to the second floor from the first-floor apartment I stayed and held the scene, itself. And the entry teams made their way to the back of the property and executed the second-floor warrant, I believe, through a fire escape. I'm not 100 percent sure on how that layout was because I never made it to the second floor. Q. Okay. Have you had a chance to review any documents in preparation for today's deposition? A. Yeah, my statement to Internal	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	building, I'll call it the building in question because it makes more sense for the future, do you know whether or not the building in question had another door besides the one that you breached? A. I mean, I personally did not see it. I wasn't the one who did the we do recons on the jobs. I wasn't the one who put eyes on the property prior to our serving the warrant. I know that they gained access to the second floor, so the assumption would be, yes, there's a door somewhere else leading to the second floor. Q. Okay. A. But in the front of the property, which is the only path I took, there was no other door. Q. Prior to breaching the door that you did breach at the building in question A. I didn't personally breach it, I don't believe. Q. Oh, I thought you were A. I was part of the breaching team. So you typically have according to my statement

Page 13 Page 15 can't always go in the back of these properties 1 Typically when you breach a door you're using a 1 2 2 ram. So it stated that, I believe, Officer Clark, without basically alerting because we go in and do 3 again, I'd have to refer to my notes, I believe it 3 it either the night before, the day before, maybe 4 was Officer Clark did the knocking and announcing. 4 two days before, your team is going out there and 5 5 And I'm assuming he probably breached as well, but putting eyes. Unfortunately. It would look 6 I could be wrong. 6 suspicious if a bunch of cops are walking through 7 7 Okay. So your understanding of the alleyway and you don't want to alert the 8 what happened the day in question is that you and 8 target you're going after. So I don't know if 9 Officer Clark were both --9 anyone had access to seeing what the back of that 10 10 I believe Clark was. I didn't -- I property looked like prior to our actual serving 11 know that he knocked and announced. I don't know 11 of that warrant. So if we didn't have that 12 if he was the first one of the -- for whatever 12 information it wouldn't have been relayed in the 13 reason I didn't see in my notes who my partner 13 briefing. They would have only based it on the 14 was. So I'm not sure if he was one of the first 14 knowledge they could have had at that point. 15 guys on the door or if he was one of the 15 In any case, Officer Murray, at the 16 breachers. Typically the breacher, one of the 16 briefing for this warrant execution no one 17 17 breachers, knocks and announces. mentioned that there was another door at the 18 All right. As of today you have no 18 property; correct? 19 specific recollection? 19 Not to my recollection, no. A. 20 I don't. We've served so many 20 Q. To your recollection, why -- who 21 warrants it kind of blends together, 21 ordered the door to be breached? 22 unfortunately. 22 I don't know that I gave -- have 23 Okay. And, sir, I don't want you 23 that. Lieutenant Monk is what comes to mind, but Q. 2.4 to feel like I'm criticizing you. 24 I can't say certainly. Page 14 Page 16 1 Yes. Again, Officer Murray, as I 1 A. No. 2 2 instructed you at the beginning, I'm not -- it's a Q. It's just that a deposition is an 3 unusual thing. Make sure that you allow a little 3 question of what you do personally know. So 4 4 please don't feel compelled to answer every space between the question gets asked and before 5 you answer it because we don't want to talk over 5 question. If you don't have the answer, please 6 each other, for the record. Okay? 6 don't guess or speculate. Okay? 7 7 A. Not a problem. A. Not a problem. 8 8 So is it fair to say at this time All right. So prior to being part 9 9 you do not recall who ordered for the door to be of the team that breached the door of the building in question, did you know whether or not the 10 10 breached? 11 building in question had another door? 11 A. That's fair to say. 12 12 A. I did not. Okay. And do you have any memory 13 13 today of why the order was given when it was given Okay. Was there a meeting before 14 this warrant execution occurred where one or more 14 to breach the door? 15 MR. ZURBRIGGEN: Object to form. 15 people gave instructions to the rest of the SWAT 16 unit and described how the warrant should be 16 But, Officer, you can answer; if 17 enforced? 17 you can. 18 Yes, we do have a briefing prior to 18 THE WITNESS: No. I don't know 19 19 us serving warrants. You typically have a, I what the -- if there was -- we typically 20 believe, one of the supervisors takes the lead. 2.0 give it a certain amount of time just 21 2.1 And they will go over the pertinent information. making multiple knocks and announce. 2.2 Unfortunately, with the recons we don't always 22 And I don't know anything specific. 23 23 have -- because these are exigent circumstances This doesn't stand out as anything 24 that you're going out for homicide warrants you 24 different than any other job.

	Page 17		Page 19
1	BY MR. WEST:	1	occupant of the property a reasonable opportunity
2	Q. Okay. So you said typically	2	to voluntarily surrender the property before the
3	there's a knock and announce before the door would	3	door is breached?
4	be breached; correct?	4	MR. ZURBRIGGEN: Same objection.
5	A. We always do a knock and announce.	5	Officer, you can answer.
6	I've never been since I've been in the SWAT unit	6	THE WITNESS: That's correct.
7	done a no-knock warrant.	7	BY MR. WEST:
8	Q. Okay. And you're not actually	8	Q. How much time passed, in your
9	allowed to do no-knock warrants; correct?	9	recollection, from when Ms. Alvarado's front door
10	A. Any	10	was knocked on until her door was breached?
11	MR. ZURBRIGGEN: Go ahead, Officer.	11	A. I don't recall this job. As I
12	Object to form.	12	said, we serve a lot of warrants. So nothing
13	THE WITNESS: When I got on the job	13	stands out about this particular warrant.
14	I believe it was an option. Anymore I	14	Q. Can you give an estimation or
15	don't believe it is. We don't do them.	15	approximation?
16	BY MR. WEST:	16	A. I can't.
17	Q. As of June 2021, was the SWAT unit	17	Q. Based on your experience and
18	that you were a part of allowed to perform	18	training with the SWAT unit, what should have been
19	no-knock warrants?	19	the minimum amount of time that should have been
20	MR. ZURBRIGGEN: Same objection.	20	given before the door was breached?
21	But, Officer, you can answer.	21	MR. ZURBRIGGEN: Object to form.
22	THE WITNESS: As of '21, again, we	22	Officer, you can answer.
23	never did. I don't recall when that was	23	THE WITNESS: We don't have
24	no longer an option for us.	24	minimums. If something happens that
			J 11
	D 10	1	
	Page 18		Page 20
1	BY MR. WEST:	1	causes us to have exigent circumstances,
1 2	BY MR. WEST: Q. Okay. In any case, this warrant	1 2	
	BY MR. WEST: Q. Okay. In any case, this warrant execution involving Ms. Alvarado, was that		causes us to have exigent circumstances, we will speed up the process. There's no set time.
2 3 4	BY MR. WEST: Q. Okay. In any case, this warrant	2 3 4	causes us to have exigent circumstances, we will speed up the process. There's no set time. BY MR. WEST:
2 3 4 5	BY MR. WEST: Q. Okay. In any case, this warrant execution involving Ms. Alvarado, was that	2 3 4 5	causes us to have exigent circumstances, we will speed up the process. There's no set time. BY MR. WEST: Q. Okay. Where there any exigent
2 3 4	BY MR. WEST: Q. Okay. In any case, this warrant execution involving Ms. Alvarado, was that supposed to be a no-knock warrant or a knock and announce warrant? A. A knock and announce.	2 3 4 5 6	causes us to have exigent circumstances, we will speed up the process. There's no set time. BY MR. WEST: Q. Okay. Where there any exigent circumstances on the morning of June 4th of 2021?
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	Page 21		Page 23
1	Q. Or could it be less than that?	1	door to be breached in less than the normal amount
2	A. Without exigent circumstances I'm	2	of time?
3	saying roughly 30 seconds.	3	MR. ZURBRIGGEN: Object to form.
4	Q. Okay. Would it be at least 30	4	Officer, you can answer.
5	seconds or can it be less than that?	5	THE WITNESS: I don't recall this,
6	MR. ZURBRIGGEN: Object to form.	6	that specific part of this incident, so
7	Officer, you can answer.	7	I can't say.
8	THE WITNESS: As I stated before,	8	BY MR. WEST:
9	it's roughly 30 seconds.	9	Q. Okay. When the door to Ms.
10	BY MR. WEST:	10	Alvarado's apartment was breached, what did you
11	Q. Okay. Have you seen are you	11	believe was going to be on the other side of that
12	aware of whether or not there was any surveillance	12	door?
13	footage taken of this incident?	13	MR. ZURBRIGGEN: Object to form.
14	 I'm not aware of any either way. 	14	Officer, you can answer.
15	Q. Was anyone wearing any body	15	THE WITNESS: A common hallway
16	cameras, to your knowledge?	16	where it leads you into typically a
17	A. Not to my knowledge.	17	two-door situation where you have a door
18	Q. All right. Are you aware of the	18	to the side and typically you have a
19	fact there was a neighboring business on the block	19	door in front. The door to the side
20	that actually did record this incident?	20	typically goes to the first floor. The
21	MR. ZURBRIGGEN: Object to form.	21	door in front typically leads to a set
22	But, Officer, you can answer.	22	of steps, which would get you to the
23	THE WITNESS: I'm not aware of it.	23	second floor.
24	BY MR. WEST:	24	BY MR. WEST:
	Page 22		Page 24
1	Q. So you've never seen that footage;	1	Q. Did you believe that there was
1 2	Q. So you've never seen that footage; correct?	1 2	Q. Did you believe that there was going to be at least one dog on the other side of
	-		
2	correct?	2	going to be at least one dog on the other side of
2	correct? A. Correct.	2	going to be at least one dog on the other side of that door?
2 3 4	correct? A. Correct. Q. Would you be surprised to learn	2 3 4	going to be at least one dog on the other side of that door? A. At which point?
2 3 4 5	correct? A. Correct. Q. Would you be surprised to learn that surveillance footage shows that at most only	2 3 4 5	going to be at least one dog on the other side of that door? A. At which point? Q. Before the door was breached.
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2 3 4 5 6 7	correct? A. Correct. Q. Would you be surprised to learn that surveillance footage shows that at most only a few seconds passed between the officers arriving on Ms. Alvarado's front door step and her door	2 3 4 5 6 7	going to be at least one dog on the other side of that door? A. At which point? Q. Before the door was breached. A. Before it was breached, I do believe I stated there was a dog barking. So, I mean, there was no knowledge like sometimes if we see a dog leash or beware of dog sign,
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	Page 25		Page 27
1	BY MR. WEST:	1	A. It's limited training. It's more
2	Q. So prior to breaching Ms.	2	just given the knowledge that sometimes it works.
3	Alvarado's front door you're aware of the fact	3	It doesn't always work. So it's a tool in the
4	that there was a dog on the other side of the	4	toolbox just like everything else, unfortunately.
5	door; correct?	5	There's no definite means to controlling a vicious
6	MR. ZURBRIGGEN: Same objection.	6	dog.
7	Officer, you can answer.	7	Q. All right. Besides OC, were you
8	THE WITNESS: Once the knock and	8	given any training on any other tools that you
9	announce began that's when we were aware	9	could use in a dog encounter to avoid a lethal
10	of the dog being on the other side in	10	outcome?
11	the property somewhere. Again, we	11	MR. ZURBRIGGEN: Same objection.
12	didn't know that that was leading into	12	But, Officer, you can answer.
13	her property. So knowing it was her	13	THE WITNESS: There is a dog noose
14	property or his property of where the	14	that is typically retrieved from the
15	dog was barking from with our	15	truck that is typically kept in the
16	expectation of not going into her	16	truck rear containment drives, but
17	property, it's kind of a non-issue as	17	unfortunately, again, without having
18	such.	18	prior knowledge of a dog or signs or
19	BY MR. WEST:	19	signage posted of any evidence of a dog,
20	Q. So what, if any, measures were put	20	it wouldn't be something we typically
21	in place prior to the door being breached to	21	carry along with all of the other gear
22	handle the dog in a non-lethal manner?	22	that we're bringing into a property
23	MR. ZURBRIGGEN: Object to form.	23	without prior knowledge.
24	But, Officer you can answer.	24	BY MR. WEST:
	Page 26		Page 28
1	THE WITNESS: I personally carry	1	Q. All right. Besides the dog noose,
2	OC. But, as I said, I was further back	2	were there any other tools?
3	in the line. And the dog wasn't on me	3	A. Not that I can think of, offhand.
4	at that point. So it depends if you	4	Q. Okay. So prior to breaching Ms.
5	have the time to deploy it. And every	5	Alvarado's front door, I think you mentioned that
6	circumstance is different.	6	you had some OC on you, but you were standing in
7	BY MR. WEST:	7	the rear and were not planning you were
8	Q. What's OC?	8	planning on being like the last person to go in;
9	 Pepper spray in layman's terms. 	9	right?
10	Q. Okay. At some point were you	10	A. I was one of the last people to go
11	trained that pepper spray is something that should	11	in.
12	be used on a dog in order to avoid a lethal	12	Q. All right. And there was no dog
13	encounter?	13	noose.
14	MR. ZURBRIGGEN: Object to form.	14	Did any of the officers that were
15	But, Officer, you can answer.	15	that actually encountered the dog have any
16	THE WITNESS: Yes.	16	tools deployed that they could use in the dog
17	BY MR. WEST:	17	encounter to prevent a lethal outcome?
18	Q. Okay. And when were you trained	18	MR. ZURBRIGGEN: Object to form.
19	that?	19	But, Officer, you can answer.
20	A. When I went through SWAT basic	20	THE WITNESS: I don't know what
21	school.	21	each officer was carrying that day.
22	Q. Okay. So SWAT basic gave you	22	BY MR. WEST:
23	training on how to handle dogs in a non-lethal	23	Q. So as part of the protocol before
24	manner?	24	the SWAT unit breached down someone's door and

	Page 29		Page 31
1	goes into their house, wouldn't there normally be	1	unfortunately.
2	some coordination between the various SWAT	2	BY MR. WEST:
3	officers to make sure that everybody has the	3	Q. And normally wouldn't you have to
4	proper tools and a plan to handle the encounter in	4	have the OC spray available to at least one of the
5	a professional manner.	5	officers who would be one of the first ones to
6	MR. ZURBRIGGEN: Object to form.	6	enter the property so it could actually be used on
7	Officer, you can answer.	7	the dog, if need be?
8	THE WITNESS: Again, if there's a	8	MR. ZURBRIGGEN: Object to form.
9	known dog then you can have put a	9	Officer, you can answer.
10	plan into place. But, unfortunately,	10	THE WITNESS: It would help to have
11	the way we work is there's a lot of	11	multiple because you never know, again,
12	flexibility. So you never all plans	12	when you're going to encounter the dog
13	go out the door. So I may plan on being	13	or where the dog will be. So it's just
14	the third person and things I may be	14	typically you're the first person in the
15	the last person in line and end up being	15	door, that door, it doesn't mean you're
16	the first person on the second floor at	16	going to be the first person to
17	some point. So there's not depending	17	encounter the dog.
18	on what you encounter when you walk into	18	BY MR. WEST:
19	that room there's no saying, hey, you're	19	Q. Okay. So even if it wouldn't only
20	going to deal with this person or this	20	be the first person it would be good that it would
21		21	be at least the first person; correct?
22	dog or that. You don't know where the	22	MR. ZURBRIGGEN: Same objection.
23	dog is. You don't know who's going to	23	Officer, you can answer.
24	 you can attempt to have a plan if you know ahead of time. But, unfortunately, 	24	THE WITNESS: Yes, if they have the
24	know anead of time. But, unfortunatery,		
	Page 30		Page 32
1	these houses that we go into and the	1	time and the right situation to use it,
1 2	situations that we're put in you never	1 2	time and the right situation to use it, yes.
	situations that we're put in you never know who's going to encounter what. So,		yes. BY MR. WEST:
2	situations that we're put in you never know who's going to encounter what. So, unfortunately, when you're going after	2	yes. BY MR. WEST: Q. Okay. Was anything like that done
2	situations that we're put in you never know who's going to encounter what. So, unfortunately, when you're going after someone for a homicide your biggest	2	yes. BY MR. WEST: Q. Okay. Was anything like that done in this situation involving Ms. Alvarado?
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2 3 4 5	situations that we're put in you never know who's going to encounter what. So, unfortunately, when you're going after someone for a homicide your biggest concern is someone with lethal force that's going to use that against you.	2 3 4 5	yes. BY MR. WEST: Q. Okay. Was anything like that done in this situation involving Ms. Alvarado? MR. ZURBRIGGEN: Same objection. Officer, you can answer.
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	Page 33		Page 35
1	off the video and stenographic records.)	1	and two next to that door, based on my
2		2	prior statement. I don't recall at the
3	(Whereupon, a pertinent portion of	3	moment, but, again, I'm going off of my
4	the record was read back by the court	4	prior statement to Internal Affairs.
5	reporter.)	5	BY MR. WEST:
6		6	Q. To your knowledge, did anyone speak
7	THE VIDEOTAPE OPERATOR: Back on	7	with the property manager or property owner or
8	the record at 10:28 a.m.	8	anyone like that?
9	BY MR. WEST:	9	A. Not that I'm aware of.
10	Q. Officer Murray, to your knowledge,	10	Q. Okay. And you were completely
11	as of June 2021, did the Philadelphia Police	11	unaware of the fact that the property sat on a
12	Department have any policies or procedures in	12	cul-de-sac and had a very prominent door on the
13	place regarding dog encounters in the line of	13	rear; correct?
14	duty?	14	MR. ZURBRIGGEN: Object to form.
15	MR. ZURBRIGGEN: Object to form.	15	But, Officer, you can answer.
16	Officer, you can answer again.	16	THE WITNESS: Yeah, I'm unaware of
17	THE WITNESS: As far as what?	17	that.
18	I'm sorry. What was the I don't	18	BY MR. WEST:
19	really grasp what you're looking for in	19	Q. And you're unaware of the fact that
20	the question.	20	the warrant specified that it was only valid for
21	BY MR. WEST:	21	the rear of the building; correct?
22	Q. Okay. So, in your experience, does	22	MR. ZURBRIGGEN: Object to form.
23	the City of Philadelphia Police Department have	23	Officer, you can answer.
24	various directives that tell police officers how	24	THE WITNESS: Yes, I was unaware of
	Page 34		Page 36
1		1	Page 36 that.
1 2	they should act in different situations?	1 2	
	they should act in different situations?		that.
2	they should act in different situations? A. There are directives in place. As	2	that. BY MR. WEST:
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	Page 37		Page 39
1	A. I mean, based on if is this an	1	Q. But the door leads into an area
2	accurate photo, my best recollection is I believe	2	that's only one floor; right?
3	this is the property, the tan one that juts out.	3	MR. ZURBRIGGEN: Object to form.
4	Q. Okay. Could you sort of like put a	4	Officer, you can answer.
5	square around the property you're referring to	5	THE WITNESS: It appears it's an
6	with this green highlighter?	6	enclosed porch based on the other
7	A. Again, this is just to the best of	7	properties there to the left. So it
8	my recollection, but (Witness complies.)	8	appears that they enclosed the porch,
9	Q. I see. So you believe that the	9	extended and enclosed the porch. As far
10	building, the building in question, was this tan	10	as the layout to a house prior to I
11	building; correct?	11	know now being inside the property how
12	A. Correct.	12	the layout is. But prior to that you're
13	Q. All right. And you've put a green	13	just looking at what appears to be an
14	highlighted box around that building; correct?	14	enclosed porch and the door and the
15	A. Correct.	15	second floor above it.
16	Q. And I'm going to hand this back to	16	BY MR. WEST:
17	you, but I'm going to say, first, do you recognize	17	Q. So you would look at this and you
18	that there is a front door inside of that green	18	would say you would assume that that's an
19	square that you've created; right?	19	enclosed porch?
20	A. I do see that.	20	MR. ZURBRIGGEN: Object to form.
21	Q. Is that the front door that you	21	Officer, you can answer.
22	breached or you and your SWAT unit breached?	22	THE WITNESS: Based on other
23	A. If this is accurate, yes, I	23	properties I've been in, yes.
24	believe.	24	BY MR. WEST:
	Page 38		
	1490 30		Page 40
1	Q. Okay. Is there a second floor	1	Q. Did you make any effort to
1 2		1 2	Q. Did you make any effort to ascertain if anyone was living in the occupied
	Q. Okay. Is there a second floor above that door? MR. ZURBRIGGEN: Object to form.		Q. Did you make any effort to ascertain if anyone was living in the occupied area behind these windows within the green square?
2 3 4	Q. Okay. Is there a second floor above that door? MR. ZURBRIGGEN: Object to form. Officer, you can answer.	2 3 4	Q. Did you make any effort to ascertain if anyone was living in the occupied
2	Q. Okay. Is there a second floor above that door? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes.	2 3	Q. Did you make any effort to ascertain if anyone was living in the occupied area behind these windows within the green square? MR. ZURBRIGGEN: Object to form. Officer, you can answer.
2 3 4	Q. Okay. Is there a second floor above that door? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes. BY MR. WEST:	2 3 4	Q. Did you make any effort to ascertain if anyone was living in the occupied area behind these windows within the green square? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Again, we're serving
2 3 4 5	Q. Okay. Is there a second floor above that door? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. So you're looking at that picture	2 3 4 5	Q. Did you make any effort to ascertain if anyone was living in the occupied area behind these windows within the green square? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Again, we're serving a high-risk homicide warrant. So for us
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	Page 41		Page 43
1	information.	1	covered Apartment Number 2 on the second floor
2	Q. So let me have the last question	2	rear, just looking at that property, isn't it
3	read back to you. Please answer the question that	3	clear that you were entering an occupied area that
4	you're actually asked.	4	was not Apartment Number 2 on the second floor
5	A. Certainly.	5	rear?
6	MR. ZURBRIGGEN: And an objection	6	MR. ZURBRIGGEN: Object to form.
7	for the record for him as his answer	7	Officer, you can answer.
8	being responsive.	8	THE WITNESS: As I stated before, I
9		9	didn't know it was the rear of the
10	(Whereupon, a pertinent portion of	10	property. I knew it was the second
11	the record was read back by the court	11	floor. So based on now knowing the
12	reporter.)	12	layout, yes, I know now that it's not to
13		13	the second floor and that it's not to
14	MR. ZURBRIGGEN: And the same	14	the rear. And that's based on what you
15	objection to form, for the record.	15	said, if the warrant did say that it was
16	But, Officer, if you want to answer	16	the rear property. But, again, that was
17	again, you can answer again.	17	never shown to me.
18	BY MR. WEST:	18	BY MR. WEST:
19	Q. Yes. So regardless of whether or	19	Q. Okay. So if you're breaching the
20	not you think it should have been made, was any	20	front door of an occupied area on the first floor,
21	effort made to ascertain that?	21	would that have been violating the warrant or did
22	MR. ZURBRIGGEN: Objection.	22	you believe that was allowed under the
23	I'm sorry. Go ahead, Officer.	23	circumstances?
24	THE WITNESS: I personally did not.	24	MR. ZURBRIGGEN: Object to form.
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	Page 42		Page 44
	3		rage ii
1	BY MR. WEST:	1	Officer, you can answer.
2	BY MR. WEST: Q. Okay. And do you know if anyone	1 2	Officer, you can answer. THE WITNESS: Based on the
2	BY MR. WEST: Q. Okay. And do you know if anyone else did?	2 3	Officer, you can answer. THE WITNESS: Based on the information I had prior to us entering
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	Page 45		Page 47
1	A. Yes, you would have to have a	1	had to base it off of the other recon
2	warrant covering the entire property had that been	2	team's information. So I personally did
3	the case. But with our expectation of it being a	3	not do anything for this property's
4	common shared area that was why we entered that	4	recon.
5	door. But, yes, if we had to have if it was a	5	BY MR. WEST:
6	situation where we believe that the only way to	6	Q. Have you ever been part of a recon
7	get to the second floor was through the first	7	team?
8	occupied floor and not through a shared area,	8	A. Again, yes.
9	then, yes, we would have to have a warrant that	9	Q. I'm sorry, what?
10	would allow us to enter that way.	10	A. Yes.
11	Q. So prior to breaching Ms.	11	Q. Okay. And did you receive any
12	Alvarado's front door, you knew that you were not	12	training from the Philadelphia Police Department
13	allowed to enter any occupied area other than the	13	as to how to conduct recognizance in this kind of
14	second-floor rear apartment described in the	14	situation?
15	warrant; correct?	15	
			MR. ZURBRIGGEN: Object to form.
16 17	MR. ZURBRIGGEN: Object to form.	16 17	But, Officer, you can answer.
	Officer, you can answer.		THE WITNESS: Yes, I've been
18	THE WITNESS: Correct, we were	18	trained how to do recons.
19	attempting to get to the second floor	19	BY MR. WEST:
20	only, not Ms. Alvarado's property.	20	Q. All right. So what training, if
21	BY MR. WEST:	21	any, did you receive from the Philadelphia Police
22	Q. Okay. Prior to breaching Ms.	22	Department as to what you could do to determine
23	Alvarado's front door, did you know I'm not	23	whether or not a door led to a common area or an
24	asking if you had an assumption or a speculation	24	occupied area?
	Page 46		
	Page 40		Page 48
1	did you know what was on the other side of that	1	Page 48 MR. ZURBRIGGEN: Object to form.
1 2		1 2	
	did you know what was on the other side of that		MR. ZURBRIGGEN: Object to form.
2	did you know what was on the other side of that door?	2	MR. ZURBRIGGEN: Object to form. Officer, you can answer.
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2 3 4 5 6	did you know what was on the other side of that door? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: I have never known what's on the other side of another door	2 3 4 5 6	MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: I don't have any training as far as having a building layout and even blueprints that may have been printed when they built the
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1	Page 49		Page 51
	the training I received was simply	1	MR. ZURBRIGGEN: Object to form.
2	hands-on training while in SWAT basic	2	Officer, you can answer.
3	school. When we go to our basic	3	THE WITNESS: Correct.
4	training that's you spend time going out	4	BY MR. WEST:
5	and putting eyes on properties and	5	Q. Okay. And when you're attempting
6	getting ways that, you know, you're	6	to execute a warrant at a multi-residence
7	basically sizing up a property and	7	building, that does present special issues so that
8	seeing what information can be feasible.	8	you are sure to only enter the property that
9	But as far as a specific one for a	9	you're allowed to enter with a warrant without
10	multi-dwelling it would just have been	10	violating the Constitutional Rights of any other
11	whatever is incorporated in that initial	11	people in the building; correct?
12	training.	12	
13	BY MR. WEST:		MR. ZURBRIGGEN: Objection to form.
14	Q. Okay. The City of Philadelphia is	13	Officer, you can answer.
15	more densely populated than most areas in the	14	THE WITNESS: Can you just I'm
16	United States; correct?	15	sorry, can you run that back one more
17	MR. ZURBRIGGEN: Object to form.	16	time?
18	Officer, you can answer; if you	17	I apologize.
19	can.	18	BY MR. WEST:
20	THE WITNESS: I mean, we're a major	19	Q. Sure. If you are executing a
21	city.	20	warrant
22	BY MR. WEST:	21	A. Right.
23	Q. Is it your experience that many	22	Q at a multi-residence building,
24	people in the City of Philadelphia live in	23	doesn't that present a special consideration in
2 1	people in the City of I imadelpina live in	24	that you want to make sure that you only enter the
	Page 50		Page 52
1	multi-residence dwellings; apartment buildings,	1	apartment identified in the warrant so that you
_		_	apartment identified in the warrant so that you
2	houses, that might have multiple units within them	2	don't enter anyone else's private home and violate
	houses, that might have multiple units within them of various forms of multi-residence properties?		-
2	-	2	don't enter anyone else's private home and violate
2	of various forms of multi-residence properties?	2 3	don't enter anyone else's private home and violate their Constitutional Rights?
2 3 4	of various forms of multi-residence properties? A. Yes, we see them both legal and	2 3 4	don't enter anyone else's private home and violate their Constitutional Rights? MR. ZURBRIGGEN: Object to form.
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	Page 53		Page 55
1	THE WITNESS: Yes, everyone has the	1	apprehend. So we use as much information that's
2	same Constitutional Rights regardless of	2	at hand.
3	their property or whatever.	3	Q. Do you know whether or not the
4	BY MR. WEST:	4	suspect in this situation was on parole or
5	Q. Given that, when you entered the	5	probation?
6	building in question, how did you make sure that	6	MR. ZURBRIGGEN: Object to form.
7	you weren't entering the apartment belonging to	7	But, Officer, you can answer.
8	someone who is not subject to the warrant?	8	THE WITNESS: I'm unaware either
9	MR. ZURBRIGGEN: Object to form.	9	way.
10	Particularly, Officer, you can	10	BY MR. WEST:
11	answer again.	11	Q. Have you ever contacted a parole or
12	THE WITNESS: As I answered before,	12	probation officer to ask how to get to the
13	I was given the information based on the	13	person's house?
14	other officers, what the other officers	14	A. I personally have not, no.
15	recovered when they went out and did	15	Q. Okay. Did you receive any training
16	their recon. And based on that	16	besides what we've discussed before from the
17	information that's how we served this	17	Philadelphia Police Department as to how you could
18	warrant attempting not to enter any	18	conduct recognizance on a multi-residence
19	other property. So I personally did not	19	dwelling?
20	do a recon on it because that wasn't my	20	MR. ZURBRIGGEN: Object to form,
21	job set that day. But I just took the	21	asked and answered.
22	information that was presented to me,	22	Officer, you can answer again.
23	and our your team executed the warrant	23	THE WITNESS: Ask that again.
24	based on that information.	24	MR. WEST: Yes.
	Page 54		
	rage 34		Page 56
1	BY MR. WEST:	1	Page 56 THE WITNESS: I have a feeling we
1 2	BY MR. WEST: Q. When you personally have done	1 2	
	BY MR. WEST: Q. When you personally have done recognizance, as a member of the SWAT unit, have		THE WITNESS: I have a feeling we
2	BY MR. WEST: Q. When you personally have done recognizance, as a member of the SWAT unit, have you ever contacted a property owner or property	2	THE WITNESS: I have a feeling we already did answer this question; right? Am I incorrect? BY MR. WEST:
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1	Page 57		Page 59
	we try to gain as much information as	1	Q. So did you see Ms. Alvarado on the
2	possible while not tipping off the	2	date of the incident at any point?
3	offender again.	3	A. I did.
4	BY MR. WEST:	4	Q. And just tell me everything you can
5	Q. Okay. Is there anything you would	5	remember about that.
6	do beyond what you've already described?	6	A. I believe they were the property
7	MR. ZURBRIGGEN: Object to form.	7	was being secured at that point. By the time I
8	Officer, you can answer.	8	encountered her she was in her kitchen area,
9	THE WITNESS: No.	9	kitchen, dining room area. I believe she was
10	BY MR. WEST:	10	seated when I encountered her.
11	Q. Okay. So I think you said that you	11	Q. Did you hear her ask for an
12	believe that the front door would lead to a common	12	opportunity to put her dog in its cage?
13	area.	13	A. I did not hear any of that, no.
14	Was that something that you've been	14	Q. Do you specifically recall whether
15	trained or was that just some guess that you had	15	or not she said that?
16	or where did that come from?	16	A. I never heard it, no.
17		17	Q. Did you see Officer Song fire his
	MR. ZURBRIGGEN: Object to form, and asked and answered.	18	gun?
18		19	A. I did.
19	Officer, you can answer again.	20	Q. Where was the dog physically
20	THE WITNESS: That is based on the	21	located in relation to Officer Song at the time
21	numerous warrants we've done in the City	22	that the gun was fired?
22	of Philadelphia and the information that	23	A. He was directly in front of him
23	was presented on this recon paperwork.	24	facing him with his head, you know, pointed
24	BY MR. WEST:		mong min wan me neue, you mie n, pemie
	Page 58		Page 60
1	Q. Okay. If you had known that there	1	towards him.
2	was a rear door, in every sense a front door as	2	Q. Okay. And how far apart was the
3	much as the one that you breached with a gate on a	3	1
			dog's head and Officer Song's body at that time?
4	cul-de-sac, and if you had known that the warrant	4	
4 5	cul-de-sac, and if you had known that the warrant specified the rear, would that possibly have		dog's head and Officer Song's body at that time?
	•	4	dog's head and Officer Song's body at that time? A. Six inches to a foot, something
5	specified the rear, would that possibly have	4 5	dog's head and Officer Song's body at that time? A. Six inches to a foot, something like that.
5 6	specified the rear, would that possibly have changed your thinking about whether or not you	4 5 6	dog's head and Officer Song's body at that time? A. Six inches to a foot, something like that. Q. Based on your experience and
5 6 7	specified the rear, would that possibly have changed your thinking about whether or not you needed to figure out which door led to the	4 5 6 7	dog's head and Officer Song's body at that time? A. Six inches to a foot, something like that. Q. Based on your experience and training with the Philadelphia Police Department,
5 6 7 8	specified the rear, would that possibly have changed your thinking about whether or not you needed to figure out which door led to the second-floor rear apartment?	4 5 6 7 8	dog's head and Officer Song's body at that time? A. Six inches to a foot, something like that. Q. Based on your experience and training with the Philadelphia Police Department, if you heard a dog barking inside of a property,
5 6 7 8 9	specified the rear, would that possibly have changed your thinking about whether or not you needed to figure out which door led to the second-floor rear apartment? MR. ZURBRIGGEN: Object to form.	4 5 6 7 8 9	dog's head and Officer Song's body at that time? A. Six inches to a foot, something like that. Q. Based on your experience and training with the Philadelphia Police Department, if you heard a dog barking inside of a property, would that be any reason to cut short the amount
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	Page 61		Page 63
1	MR. ZURBRIGGEN: Object to form.	1	
2	But, Officer, you can answer.	2	BY MR. ZURBRIGGEN:
3	THE WITNESS: Yes.	3	Q. Officer, you had answered a few
4	BY MR. WEST:	4	questions from plaintiff's counsel about OC or
5	Q. How many times?	5	pepper spray.
6	MR. ZURBRIGGEN: Same objection.	6	Do you recall those questions?
7	Officer, you can answer.	7	A. I recall answering questions. This
8	THE WITNESS: I don't have a	8	particular question, I don't recall.
9	number, offhand.	9	Q. If you can, can you take me through
10	BY MR. WEST:	10	any factors you might consider when you use pepper
11		11	spray, just briefly describe what you might
12	Q. Can you give an estimate or an approximation?	12	consider when you use pepper spray?
		13	
13	MR. ZURBRIGGEN: Same objection.	14	· · · · · · · · · · · · · · · · · · ·
14	Officer, you can answer.		have to for humans or for dogs or for
15	THE WITNESS: In my career I have	15	everything?
16	probably, I guess, 20 times.	16	Q. Any situation.
17	BY MR. WEST:	17	A. Any situation. I mean, there's
18	Q. Okay. And what were those	18	obviously a list of rules for when we can use OC
19	incidents about?	19	such as on people. There's distances involved.
20	MR. ZURBRIGGEN: Object to form.	20	Also, you have to worry about cross-contamination
21	Officer, you can answer.	21	to the other operators in the property or other
22	THE WITNESS: Everything, you name	22	officers depending on the job, itself, you know.
23	it, police complaints, police-involved	23	Being pepper sprayed myself, it takes away from
24	shootings, anything.	24	your focus. It's obviously once you spray it in
	Page 62		Page 64
1	BY MR. WEST:	1	
_		1	the house everyone that's in the house gets
2	Q. Have you ever been involved in any	2	the house everyone that's in the house gets contaminated by it.
2	Q. Have you ever been involved in any	2	contaminated by it.
2	Q. Have you ever been involved in any situation where there was an allegation that a	2 3	contaminated by it. Q. So the size of any closed space is
2 3 4	Q. Have you ever been involved in any situation where there was an allegation that a property was entered without a warrant?	2 3 4	contaminated by it. Q. So the size of any closed space is one factor you consider?
2 3 4 5	Q. Have you ever been involved in any situation where there was an allegation that a property was entered without a warrant? MR. ZURBRIGGEN: Object to form.	2 3 4 5	contaminated by it. Q. So the size of any closed space is one factor you consider? A. Absolutely.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Have you ever been involved in any situation where there was an allegation that a property was entered without a warrant? MR. ZURBRIGGEN: Object to form. But, Officer, you can answer. THE WITNESS: I don't believe so. BY MR. WEST: Q. Other than this incident; correct? A. Correct. To clarify, I was never interviewed for the purpose of the property being entered, you know, unintentionally. It was interviewed in regards to the shooting, not in reference to the property. Q. Have you ever been involved in any incident involving the shooting of an animal? A. I have not aside from this one. MR. WEST: All right. That's pretty much all the questions I have for you today. MR. ZURBRIGGEN: All right.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	contaminated by it. Q. So the size of any closed space is one factor you consider? A. Absolutely. MR. ZURBRIGGEN: That's all I have. I don't know if Keith has any follow-up on that. MR. WEST: Yes, just a quick follow-up. MR. ZURBRIGGEN: Sure. EXAMINATION BY MR. WEST: Q. So, Officer Murray, I'm trying to just visualize how all of this went down. So your belief is that the reason why Ms. Alvarado's front door was breached was because there was an expectation that once that door was forced open there would be some sort of porch or common area on the other side; correct?

	Page 65		Page 67
1	Go ahead, Officer.	1	there isn't a second-floor access from
2	THE WITNESS: Again, yes.	2	there. So if it very like I said
3	BY MR. WEST:	3	before, when you have these properties,
4	Q. Okay. When that door was breached,	4	people rehabilitate them, they change
5	however, anybody who looked inside would have seen	5	them. There's nothing saying that this
6	a normal looking apartment; right?	6	now this defendant can't go freely
7	MR. ZURBRIGGEN: Same objection and	7	from the first and second floor. So
8	object to form.	8	just in the matter of for the purpose of
9	Officer?	9	securing the property it was secured,
10	THE WITNESS: You would have seen	10	but you're not actively searching this
11	the apartment, yes.	11	house and tearing it, you know, tearing
12	BY MR. WEST:	12	it and looking for evidence and that
13	Q. Okay. And you did eventually enter	13	aspect. Once you have that access
14	an apartment, it looked like a normal apartment,	14	you're going to gain control and then
15	couch, TV, kitchen; right?	15	move. Once they realized it was the
16	MR. ZURBRIGGEN: Same objection.	16	second floor they exited while I
17	Officer?	17	maintained the security of the first
18	THE WITNESS: Yeah. I mean, I was	18	floor. And then they were able to
19	in the living and the kitchen was the	19	execute a second floor and get that, you
20	extent of how far I went in, but, yes.	20	know, under control.
21	BY MR. WEST:	21	BY MR. WEST:
22	Q. Okay. But anybody who looked	22	Q. So in executing this warrant for
23	inside that dwelling could immediately recognize	23	the second-floor Apartment Number 2 rear, once the
24	that was an occupied area; correct?	24	members of the SWAT unit knew that they were
	, 		,
	Page 66		Page 68
1	MR. ZURBRIGGEN: Same objection.	1	entering an occupied first-floor apartment, were
2	Officer?	2	they allowed to continue and go into that
3	THE WITNESS: Yeah, it appeared	3	apartment or should they have understood that they
4	that it was at least a single. Whether	4	were not allowed to be there?
5	it also extended to the second floor,	5	MR. ZURBRIGGEN: Same objections
6	that you couldn't say.	6	and objection to form.
7	BY MR. WEST:	7	Officer?
8	Q. See, here's what I don't	8	THE WITNESS: As I stated before,
9	understand. Even if the SWAT unit for some reason	9	you're securing it. We entered there
10	believed ahead of time that if they knocked down	10	with the basis of with the
11	that door it would lead into some sort of common	11	expectation of it being a common area.
12	area, once that door was knocked in and people	12	Again, it has the concern and safety
13	looked ahead, shouldn't they have recognized	13	issue, even for Ms. Alvarado's that
14	immediately that they were entering an occupied	14	is her name; correct?
15	area and then withdrawn?	15	BY MR. WEST:
16	MR. ZURBRIGGEN: Same objections.	16	Q. Alvarado.
17	Officer?	17	A. Alvarado, excuse me, Alvarado's.
18	THE WITNESS: Again, we were going	18	If we now if there is flow back and forth and
19	after a homicide. Just to put it in	19	this male is coming down, he could harm her. So
20	perspective, you're going after a	20	we have to secure the property and ensure that
21	homicide suspect. So if now we have	21	she's safe. Nobody in any had any intention of
22	a duty to contain the property. We're	22	going in her property with the expectation of
23	not necessarily searching and doing all	23	encountering her or violating Constitutional
24	of that. But you we don't know that	24	Rights. It is but now that we're here we have

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1	to secure and make sure that she is still safe	1	we knew there was no issues and then it
2	from the suspected murderer who's on the second	2	would have just been handed down to the
3	floor of the property and that she doesn't have	3	supervisor obviously to deal with the
4		4	•
5	he doesn't have access and he can put her in	5	issue as far as the City Solicitor would handle it as far as the fact that we
	harm's way. So as much as it is a shame that		
6	we're in the property and that mistake was made	6	entered her property incorrectly.
7	it's now our job to make sure that she is safe	7	MR. WEST: All right. That's all I
8	until we actually secure her property and go from	8	have for today. Thanks.
9	there.	9	MR. ZURBRIGGEN: No follow-up here.
10	Q. Do you believe that the SWAT unit	10	Thank you.
11	was protecting Ms. Alvarado from her dog?	11	THE WITNESS: Not a problem, not a
12	MR. ZURBRIGGEN: Object to form.	12	problem.
13	Officer, you can answer; if you	13	THE VIDEOTAPE OPERATOR: Going off
14	can.	14	the record at 11:03 a.m.
15	THE WITNESS: That was not the	15	
16	intention at any point.	16	(Whereupon, a discussion took place
17	BY MR. WEST:	17	off the video record only.)
18	Q. Do you believe that anyone from the	18	
19	SWAT unit attempted to gain Ms. Alvarado's consent	19	MR. WEST: I think the only thing
20	to enter her private home?	20	is we should quickly put on the record
21	MR. ZURBRIGGEN: Same objection.	21	that we will mark this as Murray
22	Officer, you can answer.	22	Exhibit-1. By mutual agreement that's
23	THE WITNESS: When we knocked and	23	marked Murray-1.
24	announced it was attempting to gain the	24	MR. ZURBRIGGEN: We'll mark it on
			Page 72
1		1	
1 2	second floor, not her floor, not her	1	our end and agreed.
3	property.	2	OVA
4	BY MR. WEST:	3	(Whereupon, Exhibit Murray-1 was
5	Q. Okay. Once the door was breached, isn't it true that Ms. Alvarado asked for the	4	marked for identification.)
6		5	(Whomen on the densition
7	officers to leave? MR. ZURBRIGGEN: Same objection,	7	(Whereupon, the deposition
8	•		concluded at 11:03 p.m.)
9	all of the previous objections. THE WITNESS: I never heard her ask	8	
10	for anyone to leave, no.	9	
	•		
11 12	BY MR. WEST:	11	
13	Q. Okay. Last question. So you once the officers knew	12	
14	•	13	
	that they had entered the wrong apartment, you	14	
15 16	don't believe that they were obligated to leave as	15	
17	soon as possible?	16	
18	MR. ZURBRIGGEN: Same set of	17	
19	objections. Officer?	18 19	
20			
21	THE WITNESS: Again, our obligation	20	
22	at that point is to make sure that she's	21	
23	safe and the property is secure. And	22	
24	unfor had it not been a dog shooting we would have backed out once he was	23	
Z4	we would have backed out once he was	24	

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1 2	
3	CERTIFICATION
4	CERTIFICATION
5	I, DOUGLAS S. DIAMOND, hereby
6	certify that the foregoing is a true and correct
7	transcript transcribed from the stenographic notes
8	taken by me on Friday, August 11, 2023.
9	<i>y y y y y y y y y y</i>
10	
11	
	DOUGLAS S. DIAMOND
12	Court Reporter - Notary Public
13	(This certification does not apply
14	to any reproduction of this transcript, unless
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16	reporter.)
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EXHIBIT "D"

Transcript of the Testimony of: Officer James Ashford

Date: May 22, 2023

Case: Felishatay Alvarado v. City of Philadelphia, et al.

Diamond Court Reporting Phone:856-589-1107

Fax:856-589-4741

Email:dcr.diamond@comcast.net

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1	(It is agreed by and between
2	counsel for the respective parties that
3	reading, signing, sealing, certification
4	and filing are waived; and that all
5	objections, except as to the form of the
6	question, are reserved until the time of
7	trial.)
8	
9	OFFICER JAMES ASHFORD, after having
10	been first duly sworn, was examined and
11	testified as follows:
12	
13	THE VIDEOTAPE OPERATOR: Okay.
14	Deposition of Officer James Ashford.
15	This is the audio and video deposition
16	for use at trial in the matter of
17	Alvarado versus City of Philadelphia, et
18	al., Case Number 220601633.
19	I am the video operator. My name
20	is Courtney Kitcherman, and I am
21	employed by Victims' Recovery Law
22	Center. My address is 121 South Broad
I	Senior. 111, accress is 121 South Bload
23	Street, 18th Floor, Philadelphia
23 24	Street, 18th Floor, Philadelphia, Pennsylvania 19107.
	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21

1 (Pages 1 to 4)

	Page 5		Page 7
1	Today's date is May 22nd at 9:00	1	know, this isn't intended to be an any more
2	a.m 9:08. This is deposition is	2	uncomfortable than necessary. So if you need to
3	being performed in person. The case	3	take a break at any time, if you'd like some more
4	caption is Alvarado versus City of	4	water, coffee, anything like that, just let us
5	Philadelphia, et al., 220601633.	5	know. We're going to try to be as accommodating
6	The witness being deposed today is	6	as possible. Okay?
7	Officer James Bradford[sic], Badge	7	A. Okay.
8	Number 3802. This deposition is being	8	Q. Similarly, one of our instructions
9	taken on behalf of plaintiff, Felishatay	9	will be please don't answer any questions unless
10	Alvarado.	10	you feel that you understand them. If you need me
11	The officer taking this deposition	11	to rephrase a question, restate it, speak louder,
12	is Candace Weindel, and she shall swear	12	slower, anything like that, if you let me know,
13	the witness in at this time.	13	I'm going to try to rephrase or restate the
14	MR. WEST: I think you may have	14	question. Okay?
15	misspoke.	15	A. Okay.
16	It's Ashford; correct?	16	•
17	THE WITNESS: Ashford.	17	Q. But if you if you answer it,
18	THE VIDEOTAPE OPERATOR: What did I	18	we'll assume that you understood. Okay?
19		19	A. Yes.Q. As I'm sure your attorney already
20	say? THE WITNESS: Bradford.	20	
21	MR. WEST: Officer Ashford.	21	advised you, your only obligation today is to give
22		22	truthful testimony based on what you personally
23	THE VIDEOTAPE OPERATOR: Officer	23	know. So don't feel that you have to answer every
24	Ashford.	24	question like a multiple choice, no need to guess
24	THE WITNESS: Ashford.	24	or speculate. Okay? Just let us know what you
	Page 6		Page 8
1	Page 6	1	Page 8 know if you know it. Okay?
1 2	Page 6 OFFICER JAMES ASHFORD, after having	1 2	
			know if you know it. Okay?
2	 OFFICER JAMES ASHFORD, after having	2	know if you know it. Okay? A. Yes.
2	OFFICER JAMES ASHFORD, after having been first duly sworn, was examined and	2	know if you know it. Okay? A. Yes. Q. On the other hand, it it may be
2 3 4	OFFICER JAMES ASHFORD, after having been first duly sworn, was examined and	2 3 4	know if you know it. Okay? A. Yes. Q. On the other hand, it it may be that you have partial knowledge or some knowledge.
2 3 4 5	OFFICER JAMES ASHFORD, after having been first duly sworn, was examined and testified as follows: EXAMINATION	2 3 4 5	know if you know it. Okay? A. Yes. Q. On the other hand, it it may be that you have partial knowledge or some knowledge. Whatever you know, we'd like to know. So if you're able to give an estimate or an approximation, please give us your estimate or
2 3 4 5 6 7 8	OFFICER JAMES ASHFORD, after having been first duly sworn, was examined and testified as follows:	2 3 4 5 6 7 8	know if you know it. Okay? A. Yes. Q. On the other hand, it it may be that you have partial knowledge or some knowledge. Whatever you know, we'd like to know. So if you're able to give an estimate or an approximation, please give us your estimate or approximation and just let us know that's what you
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2 (Pages 5 to 8)

	Page 9		Page 11
1	A. Yes.	1	Q. Do you recall any facts about any
2	MR. ZURBRIGGEN: Object to form.	2	of those incidents whatsoever?
3	But Officer, you can answer.	3	MR. ZURBRIGGEN: Same objection.
4	THE WITNESS: Yes.	4	Officer, you can answer.
5	BY MR. WEST:	5	THE WITNESS: Most recent one was
6	Q. Okay. And how often has that	6	the barricade we had recently and the
7	happened?	7	dog shooting one and the last one was
8	MR. ZURBRIGGEN: Same objection.	8	the last one was Corporal O'Connor's
9	But Officer, you can answer.	9	shooting.
10	THE WITNESS: Not many.	10	BY MR. WEST:
11	BY MR. WEST:	11	Q. Okay. So what was the barricade
12	Q. Okay. Could you give me an	12	incident about?
13	estimate or approximation?	13	MR. ZURBRIGGEN: Same objection.
14	MR. ZURBRIGGEN: Same objection.	14	But Officer, you can answer.
15	Officer, you can answer.	15	THE WITNESS: Male shooting at
16	THE WITNESS: With internal	16	police.
17	affairs?	17	BY MR. WEST:
18	MR. WEST: Internal affairs.	18	Q. There was a man who was shooting at
19	THE WITNESS: Three times.	19	police?
20	MR. WEST: Three times.	20	A. Yes, man with a gun.
21	BY MR. WEST: Three times.	21	Q. Okay. What was what was the
22	Q. Okay. And just briefly, what were	22	man's name?
23	each of those incidents related to?	23	A. I don't recall.
24	MR. ZURBRIGGEN: Same objection.	24	Q. Okay. When did this take place?
	MR. ZORBRIOGEN. Same objection.		Q. Okay. When did this take place:
	Page 10		Page 12
			3
1	But Officer, you can answer.	1	
1 2	But Officer, you can answer. THE WITNESS: I don't recall.	1 2	A. About three, four weeks ago.
	•		A. About three, four weeks ago.Q. Okay. All right.
2	THE WITNESS: I don't recall. BY MR. WEST:	2	A. About three, four weeks ago.Q. Okay. All right.And then the the dog shooting
2	THE WITNESS: I don't recall.	2	A. About three, four weeks ago.Q. Okay. All right.
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3 (Pages 9 to 12)

	Page 13		Page 15
1	MR. ZURBRIGGEN: Same objection.	1	A. As a patrol officer in the 19th
2	But Officer, you can answer.	2	District?
3	THE WITNESS: My corporal got shot	3	Q. Yeah.
4	in the line of duty and he died.	4	A. About four years.
5	BY MR. WEST:	5	Q. Okay. And then what job did you
6	Q. Okay. When did that happen?	6	have prior to that, if any?
7	A. 2020.	7	A. You mean before I became a police
8	Q. Okay. The barricade incident that	8	officer?
9	you referred to, did that have anything to do with	9	Q. So you said you were a patrol
10	a warrant enforcement action?	10	officer for four years; right?
11	MR. ZURBRIGGEN: Same objection.	11	A. Yes.
12	But Officer, you can answer.	12	Q. What job did you have before
13	THE WITNESS: Repeat that.	13	becoming a patrol officer?
14	BY MR. WEST:	14	A. I was a patrol officer.
15	Q. The so of the three incidents	15	Q. Okay. Before you
16	you referred to, the first one you said that	16	A. I don't understand the question.
17	involved a barricade	17	•
18	A. Yes.	18	Q. Right. For four years you were a patrol officer; correct?
19	Q did that incident involve a	19	A. Yes.
20	warrant enforcement?	20	
21	MR. ZURBRIGGEN: Objection.	21	Q. Okay. Did you have any form of
22	But Officer, you can answer.	22	employment or a job title before becoming a patrol
23	THE WITNESS: No.	23	officer?
24	BY MR. WEST:	24	A. Outside of the scope of being a
		2.1	police officer, is that what you are asking me?
	Page 14		Page 16
1	Page 14 Q. Okay. All right, sir.	1	Page 16 Q. I'm just asking you what was your
1 2		1 2	
	Q. Okay. All right, sir.		Q. I'm just asking you what was your
2	Q. Okay. All right, sir.So you are a member of the SWAT	2	Q. I'm just asking you what was your job before you became a patrol officer?
2	Q. Okay. All right, sir. So you are a member of the SWAT unit of the Philadelphia Police Department; is	2	Q. I'm just asking you what was your job before you became a patrol officer? A. I was a student.
2 3 4	Q. Okay. All right, sir. So you are a member of the SWAT unit of the Philadelphia Police Department; is that correct?	2 3 4	Q. I'm just asking you what was your job before you became a patrol officer?A. I was a student.Q. Okay. So if I am doing my math
2 3 4 5	Q. Okay. All right, sir. So you are a member of the SWAT unit of the Philadelphia Police Department; is that correct? A. Yes.	2 3 4 5	 Q. I'm just asking you what was your job before you became a patrol officer? A. I was a student. Q. Okay. So if I am doing my math right, have you been a member of the Philadelphia
2 3 4 5 6	 Q. Okay. All right, sir. So you are a member of the SWAT unit of the Philadelphia Police Department; is that correct? A. Yes. Q. When did you first join the SWAT 	2 3 4 5 6	Q. I'm just asking you what was your job before you became a patrol officer? A. I was a student. Q. Okay. So if I am doing my math right, have you been a member of the Philadelphia Police Department now for on about on about 25
2 3 4 5 6 7	Q. Okay. All right, sir. So you are a member of the SWAT unit of the Philadelphia Police Department; is that correct? A. Yes. Q. When did you first join the SWAT unit? A. 2022. Q. So you were not	2 3 4 5 6 7	Q. I'm just asking you what was your job before you became a patrol officer? A. I was a student. Q. Okay. So if I am doing my math right, have you been a member of the Philadelphia Police Department now for on about on about 25 years; is that right? A. That's correct, sir. Q. Okay. And you are still employed;
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4 (Pages 13 to 16)

	Page 17		Page 19
1	that our entry team can arrive safely.	1	Q. All right. Do you know whether or
2	Q. Okay. So there's an entry team	2	not at some point the front door to Ms. Alvarado's
3	that that actually enters the property;	3	apartment was breached?
4	correct?	4	A. I wasn't in like approximately
5	A. That's correct.	5	in front of the door, but yes. I I wasn't able
6	Q. Okay. And so does the front	6	to tell because I'm focusing on the second floor
7	containment unit stand behind those those	7	covering down.
8	officers?	8	Q. Okay. So you couldn't physically
9	A. Stand behind or be in front. It	9	see whether or not her door was breached?
10	depends on the line of march. It depends on the	10	MR. ZURBRIGGEN: Object to form.
11	approach of the house.	11	THE WITNESS: No, I could not.
12	Q. And is part of the the front	12	BY MR. WEST:
13	containment's job duties to make sure that nobody	13	Q. Okay. And you said you were
14	either goes in or out of the property from the	14	focused on the second floor?
15	street?	15	A. Yes.
16	A. Yes.	16	Q. Okay. Can you tell me why you were
17	Q. You're kind of patrolling the	17	focused on the second floor?
18	the Torresdale Avenue in this situation; correct?	18	A. Because I'm the I'm the cover
19	A. Just making sure just making	19	guy. I'm containment.
20	sure everyone is safe, so	20	Q. Okay. Was it your understanding
21	Q. On Torresdale Avenue; correct?	21	that the person who the warrant was for was on the
22	A. Yes.	22	second floor of the building?
23	Q. And could you hear like with	23	A. Yes.
24	with your own ears, could you hear if anybody	24	Q. Okay. And where did you gain that
	Page 18		Page 20
			5
1	knocked on the door before before the door was	1	that understanding?
1 2	knocked on the door before before the door was breached in this operation?	1 2	
			that understanding?
2	breached in this operation?	2	that understanding? A. On the brief. We had a brief.
2	breached in this operation? A. Yes.	2 3	 that understanding? A. On the brief. We had a brief. Q. Who led the brief? A. I don't recall. Q. Do you think that might have been
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	Page 21		Page 23
1	THE WITNESS: I would say yes.	1	who were serving the warrant and
2	BY MR. WEST:	2	basically it was for homicide.
3	Q. Are are you saying yes because	3	BY MR. WEST:
4	that seems correct, or do you actually have a	4	Q. Okay. Can you recall anything
5	memory of it?	5	else?
6	A. If he is leading the the	6	A. No.
7	operation, then it would be him.	7	Q. All right. But he told you
8	Q. Sir, but is it is it correct	8	specifically, as part of the front containment,
9	then that, sitting here today, you have no actual	9	that you should focus on the second floor;
10	recollection of this?	10	correct?
11	A. I do	11	MR. ZURBRIGGEN: Object to form.
12	MR. ZURBRIGGEN: Object to form.	12	Officer, you can answer.
13	Officer, you can answer.	13	THE WITNESS: No, that's not I'm
14	THE WITNESS: I do have a recollect	14	front containment. My duties is to
15	of the job.	15	cover down on the whole property of that
16	BY MR. WEST:	16	location or that address, not
17	Q. All right, sir. But just to make	17	BY MR. WEST:
18	sure you understand the question I'm asking, do	18	Q. Sir did I interrupt you?
19	you, sitting here today, have any specific	19	A. Not just the second floor, the
20	recollection whatsoever of Sergeant Melanie giving	20	whole property.
21	a briefing related to this operation?	21	Q. All right. I sir, I don't have
22	MR. ZURBRIGGEN: Object to form.	22	the transcript in front of me, but didn't you
23	Officer, you can answer.	23	previously say that you were focused on the second
24	THE WITNESS: Repeat that again.	24	floor?
	1 0		
	Page 22		Page 24
1	BY MR. WEST:	1	A. Well
2	Q. Sitting here today, do you have any	2	Q. That's why you couldn't tell what
2	Q. Sitting here today, do you have any specific recollection, like an actual memory, not	2	Q. That's why you couldn't tell what was going on at the front door?
2 3 4	Q. Sitting here today, do you have any specific recollection, like an actual memory, not just an assumption or an inference do you have	2 3 4	Q. That's why you couldn't tell what was going on at the front door? MR. ZURBRIGGEN: Object to form.
2 3 4 5	Q. Sitting here today, do you have any specific recollection, like an actual memory, not just an assumption or an inference do you have any actual memory of Sergeant Melanie leading a	2 3 4 5	Q. That's why you couldn't tell what was going on at the front door? MR. ZURBRIGGEN: Object to form. Officer, you can answer.
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6 (Pages 21 to 24)

	Page 25	Page 27
1	Have you ever, as a member of the	that's specific to a certain apartment, then when
2	SWAT unit of the Philadelphia Police Department,	you go to the multi-residence property where that
3	enforced a search warrant at a multi-residence	apartment is located, you understand that legally
4	property?	you're only allowed to go into that one apartment;
5	MR. ZURBRIGGEN: Object to form.	5 correct?
6	Officer, you can answer.	6 MR. ZURBRIGGEN: Same objection.
7	THE WITNESS: Yes.	Officer, you can answer.
8	BY MR. WEST:	8 THE WITNESS: Yes.
9	Q. And in your experience, have you	9 BY MR. WEST:
10	ever had a search warrant which only applied to	Q. Okay. And where did you gain that
11	one apartment within a multi-residence property?	¹¹ understanding?
12	MR. ZURBRIGGEN: Same objection.	12 A. What do you mean by that?
13	Officer, you can answer.	Q. So, sir, you just testified as to
14	THE WITNESS: Yes.	your understanding of the law in this area;
15	BY MR. WEST:	15 correct?
16	Q. Pursuant to the policies and	16 A. Yes.
17	procedures of the Philadelphia Philadelphia	Q. Okay. Where did you get that
18	Police Department, as you understand them based on	¹⁸ understanding?
19	your experience and training as a member of the	MR. ZURBRIGGEN: Same objection.
20	SWAT unit for many years, when you enforce a	You can answer, Officer.
21	warrant at a multi-residence property, if the	THE WITNESS: Where you get that
22	warrant specifies only a certain apartment within	understanding is that during the brief,
23	that property, are you allowed to go anywhere with	we have a location of the actual
24	on the property or only to that specific	address. So prior to going to that
	Daga 26	Page 28
	Page 26	l age 20
1	_	
1 2	apartment? MR. ZURBRIGGEN: Object to form.	
	apartment?	property, we have information.
2	apartment? MR. ZURBRIGGEN: Object to form.	property, we have information. BY MR. WEST:
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2 3 4 5 6 7	apartment? MR. ZURBRIGGEN: Object to form. Officer, you can answer if you can. THE WITNESS: Can you repeat that question, please? MR. WEST: Can you repeat it, Candace? THE COURT REPORTER: Yes. MR. WEST: We're going to read back	property, we have information. BY MR. WEST: Q. Okay. As a member of the Philadelphia Police Department, has anybody from the Philadelphia Police Department ever given you any training with regards to how to enforce a warrant at a multi-residence property?
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THE WITNESS: When you say training, I don't understand what you're	16	A. Yes.
training, I don't understand what you're		
·		Q. As a training officer, is there
saying as rar as training concern	17	only one training officer or is there more than
111	18	one?
like what do you mean?	19	A. It could be more than one.
	20	Q. Okay. Is there currently a
	21	training officer of the SWAT unit of the
	22	Philadelphia Police Department?
_	23	A. Yes.
	24	Q. Who is that person?
THE WITNESS: Yes.		Q. Who is start person.
Page 30		Page 32
BY MR. WEST:	1	A. We have a lot of them. I mean,
Q. Okay. Could you tell me what your	2	it's training officer like I don't
understanding of the meaning of that word is?	3	understand the question. I mean, what are you
THE WITNESS: When someone teaches	4	asking me?
or show you something.	5	Q. Okay. So you said that you know
BY MR. WEST:	6	who the training officer is; correct?
Q. Okay. So did anyone from the	7	MR. ZURBRIGGEN: Object to form.
Philadelphia Police Department ever teach you or	8	Officer, you can answer.
show you how to enforce an arrest warrant or a	9	THE WITNESS: Yes.
search warrant at a multi-residence property?	10	BY MR. WEST:
MR. ZURBRIGGEN: Object to form.	11	Q. And then I asked you who it is; do
Officer, you can answer.	12	you remember me asking you that?
THE WITNESS: Yes.	13	A. Yes, I do.
BY MR. WEST:	14	Q. Okay. So since you said you know,
Q. Okay. When did that take place?	15	could you please tell me?
A. Back in '02 when I start the SWAT	16	A. Training officer Sergeant Binns.
unit. We get information to serve a warrant and	17	Q. Could you spell that last name?
we go do a recon at the property or the location	18	A. B-I-N-N-S.
that the SWAT officers are going to hit.	19	Q. Okay.
Q. Okay. So back in 2002, who	20	A. We have Officer Buck, Officer
specifically gave you the training you're	21	Sharamtew.
referring to?	22	Q. Could you spell his last name
MR. ZURBRIGGEN: Object to form.	23	A. S
Officer, you can answer.	24	Q his or her? Sorry.
	BY MR. WEST: Q. Sir, do you have a general understanding of the meaning of the word training? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes. Page 30 BY MR. WEST: Q. Okay. Could you tell me what your understanding of the meaning of that word is? THE WITNESS: When someone teaches or show you something. BY MR. WEST: Q. Okay. So did anyone from the Philadelphia Police Department ever teach you or show you how to enforce an arrest warrant or a search warrant at a multi-residence property? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Okay. When did that take place? A. Back in '02 when I start the SWAT unit. We get information to serve a warrant and we go do a recon at the property or the location that the SWAT officers are going to hit. Q. Okay. So back in 2002, who specifically gave you the training you're referring to? MR. ZURBRIGGEN: Object to form.	BY MR. WEST: Q. Sir, do you have a general understanding of the meaning of the word training? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes. Page 30 BY MR. WEST: Q. Okay. Could you tell me what your understanding of the meaning of that word is? THE WITNESS: When someone teaches or show you something. BY MR. WEST: Q. Okay. So did anyone from the Philadelphia Police Department ever teach you or show you how to enforce an arrest warrant or a search warrant at a multi-residence property? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Okay. When did that take place? A. Back in '02 when I start the SWAT unit. We get information to serve a warrant and we go do a recon at the property or the location that the SWAT officers are going to hit. Q. Okay. So back in 2002, who specifically gave you the training you're referring to? MR. ZURBRIGGEN: Object to form. 22 MR. ZURBRIGGEN: Object to form. 23

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	Page 33		Page 35
1 A. S-H-A-R-A	A-M-T-E-W.	1 that someb	ody would need to do recon as part of
² Q. Okay.			unit; correct?
A. That's it.			MR. ZURBRIGGEN: Object to form.
4 Q. Is that it?			Officer, you can answer.
5 A. Yeah.			THE WITNESS: Yes.
	d the three people that	6 BY MR. V	
	ald they have been the training	7 Q.	When you say marked or not, what
· · ·	T unit back in June 2021?	8 does that n	•
	BRIGGEN: Object to form.	9 A.	When I say marked, it means it has
	-	10 an address	•
1.1			Oh, okay. So you mean like just an
can. 12 THE WITN	JECC, Voc		arker on the building; correct?
I III WIII			Numbers, with numbers.
BI MR. WEST.	16 1		Okay. And you would review the
	ve you yourself ever been	_	e property; correct?
a training officer?			MR. ZURBRIGGEN: Object to form.
16 A. No.		1	Officer, you can answer.
	So what specific	`	THE WITNESS: That's the training,
•	receive from the training	19 yes.	man me training,
	you should enforce a warrant	20 BY MR. V	VEST.
	property if the warrant only		All right. And you would review
²¹ applied to one apartn	nent therein?	Q.	the property; correct?
	BRIGGEN: Object to form.		Yes.
•	a can answer if you can.	A.	MR. ZURBRIGGEN: Same objection.
THE WITN	NESS: I don't understand	1	WK. ZUKBRIGGEN. Same objection.
	Page 34		Page 36
the question.		1 O	fficer
the question. BY MR. WEST:			
² BY MR. WEST:	. I can try to repeat it.	2 T	fficer HE WITNESS: If you do a recon,
 BY MR. WEST: Q. All right. 	. I can try to repeat it. understand it this time.	2 T	HE WITNESS: If you do a recon,
 BY MR. WEST: Q. All right. Let me know if you 	. I can try to repeat it. understand it this time.	 2 T 3 yes. 4 BY MR. W 	HE WITNESS: If you do a recon, /EST:
2 BY MR. WEST: 3 Q. All right. 4 Let me know if you 5 A. Okay.	understand it this time.	 T yes. BY MR. W Q. Q 	HE WITNESS: If you do a recon, /EST: Okay. Besides that, what, if any,
BY MR. WEST: Q. All right. Let me know if you A. Okay. Q. What spe	understand it this time.	 T yes. BY MR. W Q. G steps would 	HE WITNESS: If you do a recon, /EST: Dkay. Besides that, what, if any, d you make would you take as part of
2 BY MR. WEST: 3 Q. All right. 4 Let me know if you 5 A. Okay. 6 Q. What specific receive from the training of the control of	understand it this time. ecific instruction did you ining officer as far as to how	2 T. 3 yes. 4 BY MR. W 5 Q. (6 steps would 7 the reconnation of the re	HE WITNESS: If you do a recon, /EST: Dkay. Besides that, what, if any, If you make would you take as part of an aissance for the SWAT unit to determine
2 BY MR. WEST: 3 Q. All right. 4 Let me know if you 5 A. Okay. 6 Q. What spe 7 receive from the tra 8 you should enforce a	understand it this time. ecific instruction did you ining officer as far as to how a warrant at a multi-residence	2 T. 3 yes. 4 BY MR. W. 5 Q. 0 6 steps would 7 the reconna 8 where the v.	HE WITNESS: If you do a recon, /EST: Dkay. Besides that, what, if any, d you make would you take as part of
2 BY MR. WEST: 3 Q. All right. 4 Let me know if you 5 A. Okay. 6 Q. What spe 7 receive from the tra 8 you should enforce a	ecific instruction did you ining officer as far as to how a warrant at a multi-residence rant only applied to one	2 T. 3 yes. 4 BY MR. W. 5 Q. 0 6 steps would 7 the reconna 8 where the v.	HE WITNESS: If you do a recon, /EST: Okay. Besides that, what, if any, If you make would you take as part of aissance for the SWAT unit to determine various apartments were located inside
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2 BY MR. WEST: 3 Q. All right. 4 Let me know if you 5 A. Okay. 6 Q. What spe 7 receive from the tra 8 you should enforce a 9 property if that warn 10 apartment therein? 11 MR. ZUR 12 Officer, yo	understand it this time. ecific instruction did you ining officer as far as to how a warrant at a multi-residence rant only applied to one BRIGGEN: Object to form. ou can answer if you can.	2 T. 3 yes. 4 BY MR. W 5 Q. C 6 steps would 7 the reconna 8 where the v 9 of a multi-r 10 property? 11 M. 12 O	HE WITNESS: If you do a recon, /EST: Dkay. Besides that, what, if any, If you make would you take as part of aissance for the SWAT unit to determine various apartments were located inside esidence property before breaching the IR. ZURBRIGGEN: Object to form.
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9 (Pages 33 to 36)

	Page 37	Page 39
1	A. No.	¹ A. No, I did not hear.
2	Q. You did not know there was a rear	Q. Okay. Do you know what the
3	door; correct?	knock-and-announce rule is?
4	A. Yes.	4 A. Yes.
5	Q. It is correct or not correct?	⁵ Q. What is the knock-and-announce
6	A. No, I did not know.	6 rule?
7	Q. Okay. Did you know what apartment	7 A. Basically, you knock on the door.
8	the warrant was valid for?	8 You announce that you're a police officer for any
9	MR. ZURBRIGGEN: Object to form.	9 occupants inside the property to notify to let
10	Officer, you can answer if you can.	them know that the police are here to serve a
11	THE WITNESS: Second floor rear.	_
12	BY MR. WEST:	waitant to give them chough time to, 1 guess, wake
13	Q. Okay. Did you know how to access	up, don't startle them of daam them.
14	the second floor rear apartment of that building?	Q. This do you also understand that
15	A. No.	part of the knock and amounce rule is you're
16	Q. Did anybody, as part of the SWAT	supposed to give people chough time that they can
17	unit, to your knowledge, know how to get to the	voluntarily surrender the property if they're
18	second floor rear apartment before Ms. Alvarado's	inclined to do so?
19	front door was breached?	MR. ZURBRIGGEN: Object to form.
20	MR. ZURBRIGGEN: Object to form.	Officer, you can answer.
21	Officer, you can answer.	THE WITNESS: Yes.
22	THE WITNESS: I can't answer that.	²¹ BY MR. WEST:
23	BY MR. WEST:	Q. Okay. So based on the training
24		that you've received as a member of the
21	Q. To your knowledge, did anyone know?	Philadelphia Police Department, how much time
	Page 38	Page 40
1	MR. ZURBRIGGEN: Same objection.	should you let pass between knocking on someone's
2	· · · · · · · · · · · · · · · · ·	, ,
	Officer	front door to to enforce a warrant and before
3		
	THE WITNESS: I can't answer that.	you actually breach the front door?
3	THE WITNESS: I can't answer that. BY MR. WEST:	you actually breach the front door? MR. ZURBRIGGEN: Object to form.
3 4	THE WITNESS: I can't answer that. BY MR. WEST: Q. Why can't you answer that?	 you actually breach the front door? MR. ZURBRIGGEN: Object to form. Officer, you can answer.
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10 (Pages 37 to 40)

1 2	Page 41		Page 43
2	A. No.	1	Q. Okay. So fair to say that you
	Q. Did you even know there was video?	2	don't actually know what the specific policies and
3	A. No.	3	procedures of the Philadelphia Police Department
4	Q. Okay. I can represent to you the	4	are with regards to the knock-and-announce rule?
5	video shows there was about two seconds.	5	MR. ZURBRIGGEN: Object to form.
6	Do you have any any personal	6	Officer
7	knowledge to contradict that?	7	THE WITNESS: That's not that's
8	MR. ZURBRIGGEN: Object to form.	8	not what I am saying.
9	Officer	9	BY MR. WEST:
10	THE WITNESS: No.	10	Q. Okay. Do you know what the
11	BY MR. WEST:	11	specific policies and procedures of Philadelphia
12	Q. Would that be reasonable based on	12	Police Department are with regards to the
13		13	knock-and-announce rule?
14	your understanding of the knock-and-announce rule	14	MR. ZURBRIGGEN: Object to form.
15	strike. I got tongue-tied. Strike the	15	Officer, you can answer.
16	question.	16	THE WITNESS: Basically, like I
	Would a two-second warning before	17	just got finished saying, if there's an
17	breaching the front door be compatible with the	18	occupant
18	knock-and-announce rule as you understand that	19	BY MR. WEST:
19	rule based on the training you have received?	20	Q. Sir, sir, if you can just answer
20	MR. ZURBRIGGEN: Object to form.	21	the question that I am asking you. The question I
21	Officer	22	am asking you is not what those policies are.
22	THE WITNESS: I don't know what you	23	My question is do you personally
23	are asking.	24	know just a yes or no question. Do you
24	BY MR. WEST:		inion just a jes of no question. Bo jou
	Page 42		Page 44
1	Q. Sure. So you've received training	1	personally know what the policies and procedures
2	from the Philadelphia Police Department about the	2	are of the Philadelphia Police Department with
3	knock-and-announce rule; correct?	3	regards to the knock-and-announce rule?
4	MR. ZURBRIGGEN: Object to form.	4	MR. ZURBRIGGEN: And same
5	Officer		
	Officer	5	objection.
6	THE WITNESS: Training, what do you	6	objection. Officer, you can answer if you can.
			-
6	THE WITNESS: Training, what do you	6	Officer, you can answer if you can.
6 7	THE WITNESS: Training, what do you mean of like training as far as the	6 7	Officer, you can answer if you can. THE WITNESS: No.
6 7 8	THE WITNESS: Training, what do you mean of like training as far as the knock-and-announce rule?	6 7 8	Officer, you can answer if you can. THE WITNESS: No. BY MR. WEST:
6 7 8 9	THE WITNESS: Training, what do you mean of like training as far as the knock-and-announce rule? BY MR. WEST:	6 7 8 9	Officer, you can answer if you can. THE WITNESS: No. BY MR. WEST: Q. Okay. Sir, I'll represent to you
6 7 8 9	THE WITNESS: Training, what do you mean of like training as far as the knock-and-announce rule? BY MR. WEST: Q. Okay. You know, yeah, I shouldn't	6 7 8 9	Officer, you can answer if you can. THE WITNESS: No. BY MR. WEST: Q. Okay. Sir, I'll represent to you that the building in which Ms. Alvarado's
6 7 8 9 10	THE WITNESS: Training, what do you mean of like training as far as the knock-and-announce rule? BY MR. WEST: Q. Okay. You know, yeah, I shouldn't assume facts that are not in evidence.	6 7 8 9 10 11	Officer, you can answer if you can. THE WITNESS: No. BY MR. WEST: Q. Okay. Sir, I'll represent to you that the building in which Ms. Alvarado's apartment was located had two doors.
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6 7 8 9 10 11 12 13	THE WITNESS: Training, what do you mean of like training as far as the knock-and-announce rule? BY MR. WEST: Q. Okay. You know, yeah, I shouldn't assume facts that are not in evidence. How did you come to ever hear of the knock-and-announce rule? A. Being in the SWAT unit.	6 7 8 9 10 11 12 13 14	Officer, you can answer if you can. THE WITNESS: No. BY MR. WEST: Q. Okay. Sir, I'll represent to you that the building in which Ms. Alvarado's apartment was located had two doors. Do you have any personal knowledge as to why the door was breached that was breached that day as opposed to the other door on
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11 (Pages 41 to 44)

	Page 45		Page 47
1	front containment.	1	Q. Did you see any sort of floor plan
2	BY MR. WEST:	2	with regards to the building that Ms. Alvarado
3	Q. Okay. But as part of the briefing	3	lived in before the door was breached?
4	given my Sergeant Melanie, did he give any	4	A. No.
5	indication as to why one door was being breached	5	Q. Sir, I have a photograph here. I
6	and not another door or anything along those	6	think I only have one copy on hand. I'll get more
7	lines?	7	copies before the other deposition. You have your
8	MR. ZURBRIGGEN: Same objection.	8	copy, so
9	Officer	9	MR. ZURBRIGGEN: Yeah.
10	THE WITNESS: You would have to ask	10	BY MR. WEST:
11	Sergeant Melanie.	11	Q. Just to put this on the record real
12	BY MR. WEST:	12	quick, I'll represent to you, sir, this is a
13		13	photograph that has been used at, I think, every
14		14	
15	no specific recollection of him giving any sort of	15	prior deposition so far. It's printed from Google
16	guidance as part of the briefing; correct?	16	Maps. It's dated Monday, May 15 at 9:30 a.m.
	MR. ZURBRIGGEN: Same objection.		MR. WEST: We are going to mark
17	Officer	17	this as Ashford-1.
18	THE WITNESS: Yes.	18	
19	BY MR. WEST:	19	(Whereupon, the document was
20	Q. Okay. Did Sergeant Melanie try to	20	marked, for identification purposes, as
21	give any sort of floor plan of the property to	21	Exhibit Number Ashford-1.)
22	advise the members of the SWAT unit where they	22	
23	were supposed to go once they got inside the	23	MR. WEST: Are you ready, Candace?
24	building?	24	THE COURT REPORTER: Yup.
	Page 46		Page 48
1	MR. ZURBRIGGEN: Object to form.	1	BY MR. WEST:
2	Officer, you can answer if you can.	2	Q. All right, sir. So please take a
3	THE WITNESS: Floor plan, what do	3	moment to look at that photograph and let me know
4	you mean floor plan?	4	if you recognize what that is.
5	BY MR. WEST:	5	A. Yes.
6	Q. Do you know what a floor plan is?	6	Q. All right. What is it?
7	A. What is a floor plan? No.	7	A. It's row homes.
8	Q. Okay. Have you ever seen anything	8	Q. All right, sir. Do you do you
9	that looks like a little bit like a map that	9	recognize any specific property in that picture?
10	shows where different rooms are located within a	10	A. Yes.
11	building?	11	Q. Which one?
12	MR. ZURBRIGGEN: Object to form.	12	A. The target location.
13	Officer	13	(Witness indicating)
14	THE WITNESS: No.	14	Q. Okay. When you say target
15	BY MR. WEST:	15	location, what do you mean by that?
16	Q. You've never seen anything like	16	A. I don't know the address on
17	that in your life?	17	Torresdale. What is what is the address number
18	MR. ZURBRIGGEN: Same objection.	18	on Torresdale?
19	Officer	19	Q. Do you mean, sir, that you
20	THE WITNESS: In my life, yes, I	20	recognize the door that got breached the the
21	have, but	21	morning Ms. Alvarado's apartment was breached in
22	BY MR. WEST:	22	that picture?
23	Q. Okay. So that's a floor plan.	23	MR. ZURBRIGGEN: Object to form.
24	A. Right.	24	Officer

12 (Pages 45 to 48)

	Page 49		Page 51
1	THE WITNESS: Yes.	1	action, as to what was on the other side of that
2	BY MR. WEST:	2	door?
3	Q. Okay. Could you use the orange	3	MR. ZURBRIGGEN: Object to form.
4	highlighter to highlight the door that you believe	4	But Officer, you can answer if you
5	was breached? Thanks. I'm just going to leave	5	can.
6	this here so it's not so awkward.	6	THE WITNESS: No.
7	A. (Witness complies)	7	BY MR. WEST:
8	Q. Okay. Can I see it?	8	Q. Okay. Sir, I think you testified
9	All right. That's the door that	9	earlier that the warrant was valid for the second
10	got breached, right, sir, that you have circled as	10	floor rear apartment; correct?
11	with an orange circle?	11	MR. ZURBRIGGEN: Object to form.
12	A. Yes.	12	Officer, you can answer.
13	MR. ZURBRIGGEN: Object to form.	13	THE WITNESS: Yes.
14	Officer	14	BY MR. WEST:
15	MR. WEST: Okay.	15	Q. Okay. If you look at the area that
16	THE WITNESS: Yes.	16	you have circled with an orange, is there any
17	BY MR. WEST:	17	second floor there?
18	Q. And what was on the other side of	18	MR. ZURBRIGGEN: And object to
19	this door?	19	form.
20	MR. ZURBRIGGEN: Object to form.	20	But Officer, you can answer if you
21	Officer, you can answer.	21	can.
22	THE WITNESS: I don't know because	22	THE WITNESS: Second floor, yes.
23	I never went inside. I'm front	23	(Witness indicating)
24	containment.	24	BY MR. WEST:
	Page 50		- FA
	Page 30		Page 52
1	BY MR. WEST:	1	Q. Where the doors are located, is
1 2	_	1 2	
	BY MR. WEST:		Q. Where the doors are located, is
2	BY MR. WEST: Q. So sitting here today, you don't	2	Q. Where the doors are located, is there any second floor to the structure in which the door leads directly? MR. ZURBRIGGEN: Object to form.
2	BY MR. WEST: Q. So sitting here today, you don't know what was on the other side of that door?	2	Q. Where the doors are located, is there any second floor to the structure in which the door leads directly?
2 3 4	BY MR. WEST: Q. So sitting here today, you don't know what was on the other side of that door? MR. ZURBRIGGEN: Same objection.	2 3 4 5	Q. Where the doors are located, is there any second floor to the structure in which the door leads directly? MR. ZURBRIGGEN: Object to form.
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2 3 4 5 6 7 8 9	BY MR. WEST: Q. So sitting here today, you don't know what was on the other side of that door? MR. ZURBRIGGEN: Same objection. Officer THE WITNESS: No. BY MR. WEST: Q. You sorry. Just to make sure, you do know or do not know? A. I do not know what was on the other	2 3 4 5 6 7 8 9	Q. Where the doors are located, is there any second floor to the structure in which the door leads directly? MR. ZURBRIGGEN: Object to form. Officer, you can answer if you can. THE WITNESS: I don't know that. BY MR. WEST: Q. Do you see a second floor? A. Yes. Q. So you see the
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13 (Pages 49 to 52)

	Page 53		Page 55
1	same thing. We all have interns.	1	floors?
2	MR. WEST: No, no. It's totally	2	MR. ZURBRIGGEN: Same objection.
3	fine.	3	Officer
4	THE VIDEOTAPE OPERATOR: We're	4	THE WITNESS: Seeing that picture,
5	going off the record at 9:48 a.m.	5	I can see that it's a second floor.
6	going on the record at your dama	6	BY MR. WEST:
7	(Whereupon, a discussion took place	7	Q. What?
8	off the video and stenographic record.)	8	A. Looking at this picture, there is a
9		9	second floor.
10	THE VIDEOTAPE OPERATOR: We are on	10	Q. Okay. But does that door lead
11	the record at 9:49 a.m.	11	directly to the second floor, yes or no?
12	BY MR. WEST:	12	MR. ZURBRIGGEN: Object to form.
13		13	Officer
14	Q. All right, sir. So just to get	14	THE WITNESS: I never went inside.
15	back where we left off, the area that you've	15	BY MR. WEST:
	circled with an orange highlighter, all right, you	16	Q. Based on what you can see in the
16	circled the front door; correct?	17	picture, can you tell that that door leads to a
17	A. Yes.	18	room that is only one floor?
18	Q. And that front door leads into a	19	MR. ZURBRIGGEN: Object to form.
19	room; correct?	20	THE WITNESS: I can't say that.
20	MR. ZURBRIGGEN: Object to form.	21	BY MR. WEST:
21	Officer	22	Q. Okay. That's fine.
22	THE WITNESS: It leads in front of	23	Can I have that back?
23	the building and it leads into the	24	A. Sure.
24	property.		A. Suic.
	Page 54		Page 56
1	BY MR. WEST:	1	Q. And your inability to tell whether
2	Q. Okay. You don't know where that	2	or not this is a one or two-floor structure is
3	door leads then; correct?	3	consistent with the training that you've received
4	MR. ZURBRIGGEN: Object to form.	4	as a member of the Philadelphia SWAT unit for all
5	Officer	5	of the other times that you've done
6	THE WITNESS: That's correct.	6	reconnaissance?
7	BY MR. WEST:	7	MR. ZURBRIGGEN: Object to form.
8	Q. Okay. But the the room or area	8	Officer
9	immediately behind that door, is that a one-floor	9	THE WITNESS: I did not say that.
10	area or a two-floor area?	10	That is a two second floor, so it is
11	MR. ZURBRIGGEN: Object to form.	11	a two-story.
12	Officer, you can answer.	12	BY MR. WEST:
13	THE WITNESS: I don't know. I	13	Q. Sir, my question is as you look at
14	never went inside.	14	this picture and try to figure out whether or not
15	BY MR. WEST:	15	this door leads to the second floor, you're using
16	Q. But you you can't tell, just	16	whatever training that you've received as a member
17	looking at that picture, whether or not there's	17	of the Philadelphia SWAT unit in conducting
18	one floor or two floors there?	18	reconnaissance; correct?
19	MR. ZURBRIGGEN: Same objection.	19	MR. ZURBRIGGEN: Object to form.
20	Officer	20	Officer
21	THE WITNESS: There's two floors.	21	THE WITNESS: Yes.
22	BY MR. WEST:	22	BY MR. WEST:
23	Q. So your testimony, even seeing the	23	Q. Okay. And if someone who had
24		24	
24	picture, is that the room behind that door has two	24	received basic training in this area would be able

14 (Pages 53 to 56)

	Page 57		Page 59
1	to tell that there's no second floor here, that	1	Officer, you can answer.
2	would be training that you had not received as a	2	THE WITNESS: Yes.
3	member of the Philadelphia SWAT unit; correct?	3	BY MR. WEST:
4	MR. ZURBRIGGEN: Object to form.	4	Q. Okay. But if you have a warrant
5	Officer, you can answer.	5	for an apartment, are you allowed to enter any
6	THE WITNESS: Well, they would	6	portion of the building in which that apartment is
7	they would see there is a second floor	7	located in order to execute the warrant?
8	there. You can see it yourself.	8	MR. ZURBRIGGEN: Same objection.
9	BY MR. WEST:	9	Officer, you can answer.
10		10	THE WITNESS: Yes.
11	Q. All right, sir. Have you ever	11	BY MR. WEST:
12	received any training from the Philadelphia Police	12	
13	Department with regards to how to conduct	13	Q. Okay. And that's based on your
14	reconnaissance specifically at multi-residence	14	understanding of the law that you received as
15	properties?	15	someone who does reconnaissance for the SWAT unit;
	MR. ZURBRIGGEN: Object to form.		correct?
16	Officer, you can answer.	16	MR. ZURBRIGGEN: Same objection.
17	THE WITNESS: What's the question?	17	Officer, you can answer.
18	BY MR. WEST:	18	THE WITNESS: Yes.
19	Q. Sir, did you ever receive any	19	BY MR. WEST:
20	training with regards to reconnaissance at all?	20	Q. Okay. Besides what we discussed
21	MR. ZURBRIGGEN: Same objection.	21	today, did you ever receive any training from the
22	Officer	22	Philadelphia Police as to any other steps you
23	THE WITNESS: I told you that in	23	could take in the reconnaissance process to
24	the beginning.	24	determine where different apartments were located
	Page 58		Page 60
1	BY MR. WEST:	1	within a multi-residence structure?
2	Q. So what was your answer?	2	MR. ZURBRIGGEN: Object to form.
3	A. Yes.	3	Officer, you can answer.
4	MR. ZURBRIGGEN: Same objection.	4	THE WITNESS: No.
5	BY MR. WEST:	5	BY MR. WEST:
6	Q. Okay. So did you ever receive any	6	Q. So for example, you never received
7	training as to how to conduct reconnaissance	7	any training that if you're not sure how to get to
8	specifically at multi-residence properties?	8	the apartment, you could contact the property
9	MR. ZURBRIGGEN: Same objection.	9	owner or property manager?
10	THE WITNESS: It's the same that	10	MR. ZURBRIGGEN: Same objection.
11	you would do with one property.	11	Officer, you can answer.
12	BY MR. WEST:	12	THE WITNESS: Not me. Well, you
13	Q. Okay. So if you had a search	13	probably can do that, but I've never
14	warrant that was valid for an entire house, you	14	done it.
15	could enter any portion of that house to execute	15	BY MR. WEST:
16	that warrant; correct?	16	Q. And you never received any training
17	MR. ZURBRIGGEN: Object to form.	17	from the Philadelphia Police Department that
18	Officer, you can answer.	18	that's something you should do as part of
19	THE WITNESS: What do you mean?	19	reconnaissance; correct?
20	BY MR. WEST:	20	MR. ZURBRIGGEN: Same objection.
21	Q. Sir, if you have a warrant that's	21	Officer, you can answer.
22	for a house, are you allowed to enter any portion	22	THE WITNESS: I'm guessing you may
		23	have that option.
23	of that house in order to execute the warrant?	23	•
23 24	of that house in order to execute the warrant? MR. ZURBRIGGEN: Object to form.	24	BY MR. WEST:

15 (Pages 57 to 60)

	Page 61		Page 63
1	Q. Sir, my question is training that	1	THE WITNESS: Because that is the
2	you specifically received as someone who goes out	2	front the front of the property.
3	and does reconnaissance as part of the SWAT unit,	3	BY MR. WEST:
4	that's nothing that you specifically learned in	4	Q. Okay. But as you have
5	training; correct?	5	acknowledged, you knew that the warrant was valid
6	MR. ZURBRIGGEN: Same objection.	6	for the rear apartment; correct?
7	Officer	7	MR. ZURBRIGGEN: Object to form.
8	THE WITNESS: Yes.	8	Officer
9	BY MR. WEST:	9	THE WITNESS: Second floor rear.
10	Q. All right. And you never received	10	BY MR. WEST:
11	any training that you could go get floor plans or	11	Q. Right. And there is no second
12	blueprints of property prior to executing a	12	floor here; correct?
13	warrant; correct?	13	MR. ZURBRIGGEN: Object to form.
14	MR. ZURBRIGGEN: Same objection.	14	Officer
15	Officer, you can answer.	15	THE WITNESS: That's the front of
16	THE WITNESS: No.	16	the property.
17	BY MR. WEST:	17	BY MR. WEST:
18	Q. Okay. You never learned any of the	18	Q. Okay. So if you if you are
19	other many surveillance techniques available to	19	trying to gain access to the second floor rear
20	ascertain the locations of various apartments	20	apartment, why choose this door as opposed to the
21	within a building; correct?	21	rear door?
22	MR. ZURBRIGGEN: Object to form.	22	MR. ZURBRIGGEN: Object to form.
23	Officer, you can answer.	23	Officer
24	THE WITNESS: No.	24	BY MR. WEST:
	Page 62		D (1
	rage 02		Page 64
1	BY MR. WEST:	1	Q. To your knowledge. I'm not asking
1 2		1 2	
	BY MR. WEST: Q. That is correct or is not correct? A. No.		Q. To your knowledge. I'm not asking you to guess. Do you have any idea why they
2	BY MR. WEST: Q. That is correct or is not correct? A. No. MR. ZURBRIGGEN: Same objection.	2 3 4	Q. To your knowledge. I'm not asking you to guess. Do you have any idea why they thought they could get there through this door as
2	BY MR. WEST: Q. That is correct or is not correct? A. No.	2	Q. To your knowledge. I'm not asking you to guess. Do you have any idea why they
2 3 4	BY MR. WEST: Q. That is correct or is not correct? A. No. MR. ZURBRIGGEN: Same objection.	2 3 4 5 6	Q. To your knowledge. I'm not asking you to guess. Do you have any idea why they thought they could get there through this door as
2 3 4 5 6 7	BY MR. WEST: Q. That is correct or is not correct? A. No. MR. ZURBRIGGEN: Same objection. BY MR. WEST: Q. When you say no, are you saying I am correct or I'm not correct?	2 3 4 5 6 7	Q. To your knowledge. I'm not asking you to guess. Do you have any idea why they thought they could get there through this door as opposed to the rear door on the cul-de-sac in the back? MR. ZURBRIGGEN: Object to form.
2 3 4 5 6 7 8	BY MR. WEST: Q. That is correct or is not correct? A. No. MR. ZURBRIGGEN: Same objection. BY MR. WEST: Q. When you say no, are you saying I am correct or I'm not correct? A. I	2 3 4 5 6 7 8	Q. To your knowledge. I'm not asking you to guess. Do you have any idea why they thought they could get there through this door as opposed to the rear door on the cul-de-sac in the back? MR. ZURBRIGGEN: Object to form. Officer, you can answer.
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2 3 4 5 6 7 8 9 10 11 12 13 14	BY MR. WEST: Q. That is correct or is not correct? A. No. MR. ZURBRIGGEN: Same objection. BY MR. WEST: Q. When you say no, are you saying I am correct or I'm not correct? A. I MR. ZURBRIGGEN: Same objection. Officer THE WITNESS: I have not received any training. BY MR. WEST: Q. Okay. Sir, as I rep I I know	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. To your knowledge. I'm not asking you to guess. Do you have any idea why they thought they could get there through this door as opposed to the rear door on the cul-de-sac in the back? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Because of my years of experience serving warrants, most of the time you go through the front door and you have access to the second floor through the front door. BY MR. WEST:
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	Page 65		Page 67
1	knowledge that the only entrance to that apartment	1	that? I don't understand the question.
2	was through the rear door; correct?	2	Like what do you mean wait?
3	MR. ZURBRIGGEN: Object to form.	3	BY MR. WEST:
4	Officer	4	Q. Okay. If there is a door to a
5	THE WITNESS: I just found out. I	5	multi-residence property and you have a warrant
6	mean, I didn't know about the rear door.	6	for only one apartment therein and you do not know
7	Like I said, I was in front containment.	7	where that door leads, should you breach that door
8	BY MR. WEST:	8	or should you do more reconnaissance until you
9	Q. Okay. As part of the	9	figure out what the door actually leads to?
10	reconnaissance before you execute a warrant at	10	MR. ZURBRIGGEN: Object to form.
11	someone's house, shouldn't you figure out what	11	Officer, you can answer.
12	door leads to their house or their apartment?	12	THE WITNESS: You should you
13	MR. ZURBRIGGEN: Object to form.	13	should get intel or information on what
14	Officer, you can answer.	14	property and what door you should hit.
15	THE WITNESS: No.	15	BY MR. WEST:
16	BY MR. WEST:	16	Q. Okay. So the fact that Ms.
17	Q. Okay. That's not important?	17	Alvarado's front door was breached means that a
18	MR. ZURBRIGGEN: Object to form.	18	mistake was made; correct?
19	Officer, you can answer.	19	MR. ZURBRIGGEN: Object to form.
20	THE WITNESS: I mean, it is	20	Officer
21	important because you want to, you know,	21	THE WITNESS: I cannot answer that.
22	you want to go at the the right	22	BY MR. WEST:
23	location.	23	Q. Okay. Based on the training you've
24	BY MR. WEST:	24	received as far as the policies and procedures of
			· · · · · · · · · · · · · · · · · · ·
	Page 66		
	rage 00		Page 68
1	Q. So why shouldn't you figure that	1	Page 68 the Philadelphia Police Department, is it okay to
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	Q. So why shouldn't you figure that		the Philadelphia Police Department, is it okay to
2	Q. So why shouldn't you figure that out before you bust down their door and kill their dog? MR. ZURBRIGGEN: Object to form.	2	the Philadelphia Police Department, is it okay to bust down the front door of an Apartment Number 1 in a multi-residence property where the warrant is valid only for the second floor rear apartment?
2	Q. So why shouldn't you figure that out before you bust down their door and kill their dog?	2 3	the Philadelphia Police Department, is it okay to bust down the front door of an Apartment Number 1 in a multi-residence property where the warrant is
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. So why shouldn't you figure that out before you bust down their door and kill their dog? MR. ZURBRIGGEN: Object to form. THE WITNESS: I mean, that was the front door thinking it would lead to the second floor apartment. BY MR. WEST: Q. Okay. But if you go to a multi-resident structure and it has multiple doors, before you start breaking down the doors, shouldn't you figure out which door leads to the proper apartment? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Okay. And if you don't know which door leads to the the apartment for which you have a warrant, should you wait until you learn that or should you just kick down the door? MR. ZURBRIGGEN: Object to form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the Philadelphia Police Department, is it okay to bust down the front door of an Apartment Number 1 in a multi-residence property where the warrant is valid only for the second floor rear apartment? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Like I said, in my years of experience the front door normally leads up to the second floor apartment. BY MR. WEST: Q. Okay. Now, if the first floor apartment is right behind that door, but you can walk across that apartment and it will eventually lead you to a staircase up to the second floor, are you allowed to — to breach that door in order to execute the warrant on the second floor apartment? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: I would say yes, but you wouldn't know that until you go to

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1	Page 69		Page 71
	you know, assume that that is leads	1	question?
2	up to the second floor.	2	BY MR. WEST:
3	BY MR. WEST:	3	Q. Okay. So if you are executing a
4	Q. Right. But it's okay to go through	4	warrant at a residence, do those residences
5	the Apartment Number 1 to get to some other	5	sometimes have dogs?
6	apartment; correct?	6	MR. ZURBRIGGEN: Object to form.
7	MR. ZURBRIGGEN: Object to form.	7	Officer, you can answer.
8	Officer, you can answer.	8	THE WITNESS: You mean like any
9	THE WITNESS: I'm not saying that	9	residence? I mean, yes. I mean
10	it's okay, but most front doors will	10	BY MR. WEST:
11	lead to the second floor.	11	Q. You're aware that of the fact
12	BY MR. WEST:	12	that sometimes people have dogs in their houses;
13	Q. Sir, I please answer the	13	correct?
14	question I'm asking you.	14	A. Yes.
15	Are you allowed to enter the first	15	Q. Okay. Now, did you ever receive
16	floor apartment at all if you only have a warrant	16	any training from the Philadelphia Police
17	for the second floor rear apartment?	17	Department as far as how to handle an encounter
18	MR. ZURBRIGGEN: Object to form.	18	with a dog at a residence while executing a
19	THE WITNESS: Like I said, the	19	warrant?
20	front door was breached	20	MR. ZURBRIGGEN: Object to form.
21	BY MR. WEST:	21	Officer, you can answer.
22	Q. Sir, please answer the question I'm	22	THE WITNESS: If a dog is
23	actually asking you.	23	aggressive
24	The question I'm asking you if you	24	MR. WEST: Sir
	The question I'm asking you It you		MK WEST SI
	Page 70		Page 72
1	have a warrant for the second floor rear	1	MR. ZURBRIGGEN: Please let him
2			
2	apartment, are you allowed to enter even one foot	2	BY MR. WEST:
3	apartment, are you allowed to enter even one foot in the first floor apartment?	2 3	
	apartment, are you allowed to enter even one foot in the first floor apartment? MR. ZURBRIGGEN: Object to form.		
3	in the first floor apartment? MR. ZURBRIGGEN: Object to form.	3	Q. Please answer the question I'm
3 4	in the first floor apartment? MR. ZURBRIGGEN: Object to form. And Officer, you can answer.	3 4	Q. Please answer the question I'm asking you. I'm not asking you what you should do or what you think you should do.
3 4 5	in the first floor apartment? MR. ZURBRIGGEN: Object to form.	3 4 5	Q. Please answer the question I'm asking you. I'm not asking you what you should do
3 4 5 6	in the first floor apartment? MR. ZURBRIGGEN: Object to form. And Officer, you can answer. THE WITNESS: I would say yes	3 4 5 6	Q. Please answer the question I'm asking you. I'm not asking you what you should do or what you think you should do. Just a basic question, have you
3 4 5 6 7	in the first floor apartment? MR. ZURBRIGGEN: Object to form. And Officer, you can answer. THE WITNESS: I would say yes because the front door may lead to the	3 4 5 6 7	Q. Please answer the question I'm asking you. I'm not asking you what you should do or what you think you should do. Just a basic question, have you received specific training from the Philadelphia
3 4 5 6 7 8	in the first floor apartment? MR. ZURBRIGGEN: Object to form. And Officer, you can answer. THE WITNESS: I would say yes because the front door may lead to the second floor. That's the front door to	3 4 5 6 7 8	Q. Please answer the question I'm asking you. I'm not asking you what you should do or what you think you should do. Just a basic question, have you received specific training from the Philadelphia Police Department as far as how to handle a dog
3 4 5 6 7 8	in the first floor apartment? MR. ZURBRIGGEN: Object to form. And Officer, you can answer. THE WITNESS: I would say yes because the front door may lead to the second floor. That's the front door to the whole building.	3 4 5 6 7 8	Q. Please answer the question I'm asking you. I'm not asking you what you should do or what you think you should do. Just a basic question, have you received specific training from the Philadelphia Police Department as far as how to handle a dog encounter while executing a warrant?
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	in the first floor apartment? MR. ZURBRIGGEN: Object to form. And Officer, you can answer. THE WITNESS: I would say yes because the front door may lead to the second floor. That's the front door to the whole building. BY MR. WEST: Q. All right. And your understanding is based on what you've learned from the training you've received from the Philadelphia Police Department; correct? MR. ZURBRIGGEN: Object to form. And Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Did you ever receive any training	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Please answer the question I'm asking you. I'm not asking you what you should do or what you think you should do. Just a basic question, have you received specific training from the Philadelphia Police Department as far as how to handle a dog encounter while executing a warrant? MR. ZURBRIGGEN: Object to form. Officer, please answer your question. And please let him finish the answer. THE WITNESS: I would say no. BY MR. WEST: Q. Okay. Have you ever been trained on what sorts of tools you should bring with you if you are going to breach a residence where you
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	in the first floor apartment? MR. ZURBRIGGEN: Object to form. And Officer, you can answer. THE WITNESS: I would say yes because the front door may lead to the second floor. That's the front door to the whole building. BY MR. WEST: Q. All right. And your understanding is based on what you've learned from the training you've received from the Philadelphia Police Department; correct? MR. ZURBRIGGEN: Object to form. And Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Did you ever receive any training on how to deal with dogs at residences when executing a warrant? MR. ZURBRIGGEN: Object to form.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Please answer the question I'm asking you. I'm not asking you what you should do or what you think you should do. Just a basic question, have you received specific training from the Philadelphia Police Department as far as how to handle a dog encounter while executing a warrant? MR. ZURBRIGGEN: Object to form. Officer, please answer your question. And please let him finish the answer. THE WITNESS: I would say no. BY MR. WEST: Q. Okay. Have you ever been trained on what sorts of tools you should bring with you if you are going to breach a residence where you believe a dog is located in order to handle the encounter with a dog in a non-lethal manner? MR. ZURBRIGGEN: Object to form.

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	Page 73		Page 75
1	bring tools on to handle a dog	1	MR. ZURBRIGGEN: Object to form.
2	whereas far as we're going to serve a	2	Officer, you can answer.
3	warrant for someone that's, you know,	3	THE WITNESS: Being a Philadelphia
4	wanted for homicide.	4	police officer.
5	BY MR. WEST:	5	BY MR. WEST:
6	Q. Right. So you've you've never	6	Q. Okay. When did you receive this
7	actually received any training from the	7	training?
8	Philadelphia Police Department as far as what	8	MR. ZURBRIGGEN: Object to form.
9	non-lethal tools you're supposed to bring with you	9	Officer, you can answer.
10	when entering a residence where you know there's a	10	THE WITNESS: I don't recall.
11	dog; correct?	11	BY MR. WEST:
12	MR. ZURBRIGGEN: Object to form.	12	Q. Okay. And who gave you this
13	Officer	13	training?
14	THE WITNESS: OC or pepper spray.	14	MR. ZURBRIGGEN: Same objection.
15	BY MR. WEST:	15	THE WITNESS: I don't recall.
16	Q. Okay. Did you ever receive any	16	BY MR. WEST:
17	specific training from the Philadelphia Police	17	Q. Okay. And what specific tools were
18	Department that told you to bring pepper spray	18	you instructed that you should bring with you when
19	with you when entering a residence if you know	19	entering a residence where you think there's a dog
20	there's a dog there?	20	in order to avoid a fatal encounter with a dog?
21	_	21	MR. ZURBRIGGEN: Object to form.
22	MR. ZURBRIGGEN: Object to form.	22	
23	Officer, you can answer.	23	Officer, you can answer.
24	THE WITNESS: I'm guessing that	24	THE WITNESS: Pepper spray, a
21	I mean, it's your choice to bring pepper	24	baton, a baton.
	Page 74		Dama 76
	1430 / 1		Page 76
1	spray, but you don't know if there's a	1	BY MR. WEST:
1 2		1 2	
	spray, but you don't know if there's a		BY MR. WEST:
2	spray, but you don't know if there's a dog in there.	2	BY MR. WEST: Q. A baton?
2	spray, but you don't know if there's a dog in there. BY MR. WEST:	2 3	BY MR. WEST: Q. A baton? A. Or yeah, baton. And that's the
2 3 4	spray, but you don't know if there's a dog in there. BY MR. WEST: Q. All right. Sir, please answer the	2 3 4	BY MR. WEST: Q. A baton? A. Or yeah, baton. And that's the only thing I can I can think of.
2 3 4 5	spray, but you don't know if there's a dog in there. BY MR. WEST: Q. All right. Sir, please answer the question I'm asking you.	2 3 4 5	BY MR. WEST: Q. A baton? A. Or yeah, baton. And that's the only thing I can I can think of. Q. Okay. You can't recall anything
2 3 4 5	spray, but you don't know if there's a dog in there. BY MR. WEST: Q. All right. Sir, please answer the question I'm asking you. The question is have you ever	2 3 4 5	BY MR. WEST: Q. A baton? A. Or yeah, baton. And that's the only thing I can I can think of. Q. Okay. You can't recall anything else at this time; correct?
2 3 4 5 6 7	spray, but you don't know if there's a dog in there. BY MR. WEST: Q. All right. Sir, please answer the question I'm asking you. The question is have you ever received any specific training from the	2 3 4 5 6 7	BY MR. WEST: Q. A baton? A. Or yeah, baton. And that's the only thing I can I can think of. Q. Okay. You can't recall anything else at this time; correct? MR. ZURBRIGGEN: Object to form.
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19 (Pages 73 to 76)

	Page 77		Page 79
1	You're asking me if that's what we have as far as	1	BY MR. WEST:
2	being a police officer, one of the things that we	2	Q. All right. And I think you're
3	can use for dogs.	3	probably aware of the fact that most of the
4	Q. Okay. Did you ever receive any	4	Philadelphia police officers began wearing body
5	specific training from the Philadelphia Police	5	cams years ago.
6	Department as far as what tools you're supposed to	6	Do you know why members of the SWAT
7	use, if any, if you are going to encounter a dog	7	unit continue not to wear body cams?
8	on a in a residence while executing a warrant	8	MR. ZURBRIGGEN: Object to form.
9	in order to avoid a fatal encounter with a dog?	9	Officer, you can answer.
10	MR. ZURBRIGGEN: Object to form;	10	THE WITNESS: No.
11	particularly it's asked and answered.	11	BY MR. WEST:
12	THE WITNESS: You would not know	12	Q. Do you have any personal knowledge
13	until you go inside the property.	13	as to why you're not assigned to wear a body cam?
14	BY MR. WEST:	14	MR. ZURBRIGGEN: Object to form.
15	Q. Okay. So you never received any	15	Officer, you can answer if you can.
16	training that that you should have certain	16	THE WITNESS: No.
17	tools that you should have at-hand in order to be	17	BY MR. WEST:
18	prepared for this situation; correct?	18	Q. Okay. Have you ever, in any
19	MR. ZURBRIGGEN: Object to form.	19	capacity as a Philadelphia Police Department
20	THE WITNESS: No.	20	member, worn a body cam?
21	BY MR. WEST:	21	MR. ZURBRIGGEN: Same objection.
22	Q. That is correct or not correct?	22	Officer
23	A. I have not received training.	23	THE WITNESS: No.
24	Q. Okay. Do you have any personal	24	BY MR. WEST:
	Page 78		Page 80
	1430 70		Page 60
1		1	_
1 2	knowledge as far as what the policies and	1 2	Q. Have you ever received any training from the Philadelphia Police Department as far as
			Q. Have you ever received any training
2	knowledge as far as what the policies and procedures of the Philadelphia Police Department	2	Q. Have you ever received any training from the Philadelphia Police Department as far as
2	knowledge as far as what the policies and procedures of the Philadelphia Police Department are as far as the list of tools that you're	2 3	Q. Have you ever received any training from the Philadelphia Police Department as far as how to review different types of structures in
2 3 4	knowledge as far as what the policies and procedures of the Philadelphia Police Department are as far as the list of tools that you're supposed to have ready before encountering a dog?	2 3 4	Q. Have you ever received any training from the Philadelphia Police Department as far as how to review different types of structures in order to make a plan on entering the structure
2 3 4 5	knowledge as far as what the policies and procedures of the Philadelphia Police Department are as far as the list of tools that you're supposed to have ready before encountering a dog? MR. ZURBRIGGEN: Object to form;	2 3 4 5	Q. Have you ever received any training from the Philadelphia Police Department as far as how to review different types of structures in order to make a plan on entering the structure when executing a warrant?
2 3 4 5 6	knowledge as far as what the policies and procedures of the Philadelphia Police Department are as far as the list of tools that you're supposed to have ready before encountering a dog? MR. ZURBRIGGEN: Object to form; particularly asked and answered several	2 3 4 5	Q. Have you ever received any training from the Philadelphia Police Department as far as how to review different types of structures in order to make a plan on entering the structure when executing a warrant? MR. ZURBRIGGEN: Object to form;
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	Page 81		Page 83
1	Officer	1	getting shot?
2	THE WITNESS: Yes.	2	A. Yes.
3	BY MR. WEST:	3	Q. Okay. So it was eight seconds or
4	Q. Okay. So this page is Bates	4	less?
5	stamped as D000024. I'm just going to read from	5	A. It was about eight seconds
6	it. So you were this is Question Number 5 when	6	approximately.
7	you were interviewed by internal affairs.	7	Q. All right.
8	Can you provide me details of the	8	MR. ZURBRIGGEN: Objection, just
9	incident? Answer, at approximately 5:50 a.m., we	9	for the record.
10	arrived at the above location to execute the	10	BY MR. WEST:
11	arrest and search warrant.	11	Q. And just to quote, your what you
12	Let me stop there and ask you. Is	12	said here is less than eight seconds.
13	that consistent with your memory today, that the	13	Was that true?
14	warrant in question was enforced about 5:50 a.m.?	14	MR. ZURBRIGGEN: Object to form.
15	MR. ZURBRIGGEN: Object to form	15	And Keith, I'm going to show the
16		16	I'm going to show unless you have a
17	officer, answer if you can. THE WITNESS: Yes.	17	copy, paper copy, I can show him the
18	BY MR. WEST:	18	actual statement.
19		19	MR. WEST: Oh. That's fine. I can
20	Q. Okay. To continue from your	20	just hand it to him.
21	answer, I was front containment along with Police	21	MR. ZURBRIGGEN: Just so that he
22	Officer Scott and Police Officer Fitzpatrick.	22	can see what you're talking about.
23	Once on location, I established front containment	23	BY MR. WEST:
24	until the entry team made their approach. Once	24	Q. And just to I'm not going to go
24	they made their approach, the breacher knocked and		
	Page 82		Page 84
1	announced. After the second knock-and-announce,	1	on this more, sir. I just designate it's the
2	the supervisor gave the command to breach the	2	last line of text here.
3	front of the property, door open. You could hear	3	The words are less than eight
4	dogs in the property. Entry was made by SWAT	4	seconds later; right?
5	officers. Less than eight seconds later, I heard	5	A. Less than eight seconds, than ten
6	one discharge.	6	seconds.
7	I'll stop reading there. Sir, did	7	Q. So is is the phrase less than
8	you give truthful testimony when you were	8	eight seconds on that page?
9	interviewed by the internal affairs?	9	A. It's about approximately eight
10	MR. ZURBRIGGEN: Object to form.	10	eight to ten seconds.
11	But Officer, you can answer.	11	Q. Sir, if you can just answer the
12	THE WITNESS: Yes.	12	question.
13	BY MR. WEST:	13	Is the phrase less than eight
14	Q. So when you testified that there	14	seconds later on the on the page?
15	was less than eight seconds that passed between	15	MR. ZURBRIGGEN: Object to form.
16	entering into the property and you hearing	16	Officer, you can answer.
17	gunfire, was that truthful testimony?	17	THE WITNESS: Yes.
		18	BY MR. WEST:
18	MR. ZURBRIGGEN: Object to form.	1 -0	
18 19	MR. ZURBRIGGEN: Object to form. But Officer, you can answer.	19	Q. Okay. If I can have the piece of
	But Officer, you can answer. THE WITNESS: Yes.		paper back.
19	But Officer, you can answer.	19	paper back. A. (Witness complies)
19 20 21 22	But Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Does this recollect your	19 20	paper back. A. (Witness complies) Q. Did you have any motivation to lie
19 20 21 22 23	But Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Does this recollect your recollection as far as how much time passed	19 20 21 22 23	paper back. A. (Witness complies) Q. Did you have any motivation to lie when you gave this internal affairs statement?
19 20 21 22	But Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Does this recollect your	19 20 21 22	paper back. A. (Witness complies) Q. Did you have any motivation to lie

21 (Pages 81 to 84)

	Page 85		Page 87
1	Officer, you can answer.	1	A. I maintained my position as front
2	THE WITNESS: Repeat the question.	2	containment.
3	BY MR. WEST:	3	Q. Okay. At any point prior to Ms.
4	Q. Did you have any motivation to lie	4	Alvarado's front door being breached, were there
5	when you gave that statement to internal affairs?	5	any ex ex exigent circumstances at all
6	MR. ZURBRIGGEN: Same objection.	6	related to this operation of which you're aware?
7	THE WITNESS: No.	7	MR. ZURBRIGGEN: Object to form.
8	BY MR. WEST:	8	Officer, you can answer.
9	Q. So there's no reason, when you gave	9	MR. WEST: Let me re re-ask the
10	this statement, that you would have exaggerated	10	question just because I stuttered.
11	that it was a shorter time than it really was;	11	BY MR. WEST:
12	right?	12	
13	MR. ZURBRIGGEN: Same objection.	13	Q. Are you aware of any exigent
14	Officer		circumstances whatsoever related to this operation
15	THE WITNESS: No.	14	prior to Ms. Alvarado's front door being breached?
16	BY MR. WEST:	15	MR. ZURBRIGGEN: Object to form.
17	Q. Okay. Do you know why the dog was	16	Officer, you can answer.
18	killed?	17	THE WITNESS: No.
19	MR. ZURBRIGGEN: Object to form.	18	BY MR. WEST:
20	Officer, you can answer.	19	Q. Okay. And then just as a
21	THE WITNESS: No.	20	foundational question, member of the Philadelphia
22	BY MR. WEST:	21	Police Department, you have received training.
23		22	You know what the phrase exigent circumstances
24	Q. Did you ever see Ms. Alvarado? A. No.	23	means; correct?
	A. NO.	24	MR. ZURBRIGGEN: Object to form.
	Page 86		Page 88
1	Q. Did you ever speak with Ms.	1	Officer, you can answer.
2	Alvarado?	2	THE WITNESS: Yes.
3	A. No.	3	MR. WEST: Okay. All right, sir.
4	Q. After the dog was shot, what	4	I think that's all the questions I have.
5	happened after that, to your recollection?	5	Thank you.
6	MR. ZURBRIGGEN: Object to form.	6	MR. ZURBRIGGEN: I'll just have a
7	Officer, you can answer.	7	· ·
		l '	very brief follow-up question for you.
8	THE WITNESS: I continued to	8	very brief follow-up question for you.
9	THE WITNESS: I continued to maintain my position as front		very brief follow-up question for you EXAMINATION
		8	
9	maintain my position as front	8	
9 10	maintain my position as front containment.	8 9 10	EXAMINATION BY MR. ZURBRIGGEN:
9 10 11	maintain my position as front containment. BY MR. WEST:	8 9 10 11	EXAMINATION BY MR. ZURBRIGGEN:
9 10 11 12	maintain my position as front containment. BY MR. WEST: Q. Okay. Do you recall at some point the SWAT officers went to the rear door on the	8 9 10 11 12	EXAMINATION EXAMINATION EXAMINATION Officer, I'm just going to show you again what's been marked as Ashford-1. This is
9 10 11 12 13	maintain my position as front containment. BY MR. WEST: Q. Okay. Do you recall at some point the SWAT officers went to the rear door on the cul-de-sac and then that's how they got to the	8 9 10 11 12 13	EXAMINATION EXAMINATION EXAMINATION OF STATE
9 10 11 12 13 14	maintain my position as front containment. BY MR. WEST: Q. Okay. Do you recall at some point the SWAT officers went to the rear door on the cul-de-sac and then that's how they got to the apartment second floor rear?	8 9 10 11 12 13 14	EXAMINATION EXAMINATION BY MR. ZURBRIGGEN: Q. Officer, I'm just going to show you again what's been marked as Ashford-1. This is the picture. Do you recall I believe you
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9 10 11 12 13 14 15	maintain my position as front containment. BY MR. WEST: Q. Okay. Do you recall at some point the SWAT officers went to the rear door on the cul-de-sac and then that's how they got to the apartment second floor rear? MR. ZURBRIGGEN: Object to form. Officer, you can answer.	8 9 10 11 12 13 14 15 16	EXAMINATION EXAMINATION EXAMINATION Officer, I'm just going to show you again what's been marked as Ashford-1. This is the picture. Do you recall I believe you identified it's the third door third building, I'm sorry, from the right that was Ms. Alvarado's
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9 10 11 12 13 14 15 16 17 18 19 20 21	maintain my position as front containment. BY MR. WEST: Q. Okay. Do you recall at some point the SWAT officers went to the rear door on the cul-de-sac and then that's how they got to the apartment second floor rear? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes, because they came out and they walked around. I didn't know didn't understand why.	8 9 10 11 12 13 14 15 16 17 18 19 20 21	EXAMINATION EXAMINATION Officer, I'm just going to show you again what's been marked as Ashford-1. This is the picture. Do you recall I believe you identified it's the third door third building, I'm sorry, from the right that was Ms. Alvarado's building; is that correct, sir? A. That's correct. Q. Okay. Can you see what's written

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A. Numbers. Q. Do you recall which specific numbers? A. I don't know the exact address. Q. Do you recall whether there was any indication on the front door that it was the entrance only to the first floor apartment? A. No. Q. Okay. MR. ZURBRIGGEN: That's the only question I have, Keith, unless you have any follow-up. MR. WEST: No. That's everything. THAK WEST: No. That's everything. THAK WEST: No. That's everything. THE VIDEOTAPE OPERATOR: We are going off the record at 10:18 a.m.) CERTIFICATION I, CANDACE WEINDEL, hereby certify that the foregoing is a true and correct transcript transcribed from the stenographic notes taken by me on Monday, May 22, 2023. Candace Weindel, Court Reporter Notary Public (This certification does not apply to any reproduction of this transcript, unless under the direct supervision of the certifying reporter.)
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EXHIBIT "E"

Transcript of the Testimony of: **Dana Shannon**

Date: September 15, 2023

Case: Felishatay Alvarado v. City of Philadelphia, et al.

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IN THE COURT OF COMMON PLEAS
FOR PHILADELPHIA COUNTY, PENNSYLVANIA

- - -

FELISHATAY ALVARADO, : JUNE TERM, 2022

:

Plaintiff, : NO. 01633

:

vs. :

:

CITY OF PHILADELPHIA, : et al., :

:

Defendants. :

- -

September 15, 2023

- - -

Oral deposition of DANA SHANNON,
taken pursuant to Notice at VICTIMS'
RECOVERY LAW CENTER, 121 South Broad Street,
18th Floor, Philadelphia, PA 19107,
beginning at 10:00 a.m., before Candace
Weindel, a Professional Reporter and a
Notary Public in and for the Commonwealth of
Pennsylvania.

- - -

DIAMOND COURT REPORTING 406 Redbud Lane Mantua, New Jersey 08051 (856) 589-1107

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5	Examination By Mr. Santiago-Pagan	32, 39	
6			
7			
8	EXHIBITS		
9	NO. DESCRIPTION	PAGE	
10			
11	Shannon-1 Client File Notes	4	
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			

```
Page 4
 1
                    (It is agreed by and between
 2
               counsel for the respective parties that
 3
               sealing, certification and filing are
               waived; and that all objections, except
 4
 5
               as to the form of the question, are
 6
               reserved until the time of trial.)
 7
                    DANA SHANNON, after having been
 8
 9
               first duly sworn, was examined and
               testified as follows:
10
11
12
                         EXAMINATION
13
14
     BY MR. WEST:
15
                    All right, Ms. Shannon. My name is
            Q.
     Keith West. I'm one of the attorneys for the
16
17
     plaintiff in this case, Ms. Alvarado. I'm going
18
     to mark as Shannon-1 -- this is a pile of
19
     documents that you brought with you today as part
20
     of your appearance for today's subpoenaed
21
     deposition; correct?
22
            Α.
                    Yes.
23
                    (Whereupon, the document was
24
```

```
Page 5
 1
               marked, for identification purposes, as
 2
               Exhibit Number Shannon-1.)
 3
 4
     BY MR. WEST:
 5
                    Okay. And let me just go through
            Ο.
 6
     some quick kind of preemptory things.
 7
                    Have you ever been in a deposition
 8
     before?
 9
            Α.
                    Yes.
10
                    How many times have you been
            Q.
11
     deposed?
12
                    Once.
            Α.
13
                    And can you tell me, just
            Ο.
14
     generally, what that case was about?
15
                    A car accident.
            Α.
16
            Ο.
                    Okay. So unrelated to your
17
     employment for the City of Philadelphia; correct?
18
            Α.
                    Yes.
19
                    And you are in fact an employee of
            Q.
20
     the City of Philadelphia; right?
21
            Α.
                    Yes.
22
                    MR. ASSINI: Well, just to clarify,
23
               she is an employee of the First Judicial
               District, which is not -- it's not the
24
```

```
Page 6
 1
               same as the City of Philadelphia;
 2
               however, it is -- it is the judicial
 3
               branch of the City of Philadelphia.
 4
               Like her -- it's separate, but the same,
 5
               you know --
 6
                    MR. WEST: Well, no. That's what I
 7
               am trying to figure out because I
               actually don't know the answer to that.
 8
 9
               Like the police department is like an
               entity of the City. Is --
10
11
                    MR. ASSINI: More independent than
12
               that --
13
                    MR. WEST: That's what I'm trying
14
15
                    MR. ASSINI: -- because we're the
16
               judicial branch, so that's --
17
                    MR. SANTIAGO-PAGAN: Right.
18
                    MR. WEST: Okay. I honestly didn't
19
               know the answer to that.
20
     BY MR. WEST:
21
            Q.
                    I'm sorry. So you are an employee
22
     of the First Judicial District of Pennsylvania;
23
     right?
24
            Α.
                    Yes.
```

```
Page 7
 1
                    Okay. But your prior deposition
            Q.
 2
     appearance was unrelated to that; right?
 3
            Α.
                    Yes.
 4
                    How long have you worked as a
            Q.
 5
     parole officer?
 6
            Α.
                    Twenty-two years.
 7
                    MR. WEST: Off the record.
 8
 9
                    (Whereupon, a discussion took place
10
               off the stenographic record.)
11
12
                    MR. SANTIAGO-PAGAN: I just want to
13
               state for the record that she is a
               probation officer, not a parole officer.
14
15
                    MR. ASSINI: Yes, probation.
16
               Right.
17
                    MR. WEST: Okay.
18
     BY MR. WEST:
19
               Can you just tell me quickly what
            Q.
20
     is the difference between probation and parole as
21
     far as the Commonwealth of Pennsylvania goes?
22
                    MR. ASSINI: If you know.
23
                    THE WITNESS: I'm trying to figure
24
               out how to answer that because we do
```

```
Page 8
               supervise people that's on parole as
 1
 2
               well.
 3
                    So, I mean, parole is if a person
 4
               that has been sentenced to a jail
 5
               sentence and if the judge says like
               immediate parole, then they can serve
 6
 7
               their sentence out on the street.
               Probation is just if the judge sentences
 8
 9
               a person to a period of probation and we
10
               also supervise them on the street.
11
     BY MR. WEST:
12
                    Right. Probation is a probationary
            Q.
13
     release from prison. If the person doesn't meet
14
     the terms, they go back to prison; correct?
15
                    It depends on the judge and if it's
            Α.
     like a technical violation or a direct violation.
16
17
                    Okay. And you, in your capacity,
            Q.
18
     you would supervise people who are released both
19
     under probation and under parole; correct?
20
            Α.
                    Yes.
21
            Q.
                    What is your actual job title?
22
                    I'm an Armed Probation Officer II,
            Α.
     so I carry a firearm.
23
24
                    And how long have you had that
            Q.
```

```
Page 9
    particular job title?
 1
 2
            Α.
                    I've been doing the job for almost
     14 years, but technically didn't get classified
 3
 4
     until last July.
 5
                    The incident giving rise to this
            Ο.
     case occurred a little over two years ago. Do you
 6
 7
     know what your job title would have been back
     then?
 8
 9
            Α.
                    Still a probation and parole
     officer and I was still armed, but I wasn't
10
11
     classified as that.
12
                    MR. ASSINI: Can I --
13
                    MR. WEST: Yes, please.
14
                    MR. ASSINI: So our probation
15
               officers are part of a union, and as
16
               part of the collective bargaining
17
               agreement that was most recent, part of
18
               that was creating a new classification
19
               for armed officers and giving them a
20
               different salary scale because it
21
               requires extra things to --
22
                    MR. WEST: Training.
23
                    MR. ASSINI: -- you know, be armed,
24
               training and certifications and renewal.
```

```
Page 10
               So it didn't exist until it was
 1
 2
               collectively bargained.
 3
     BY MR. WEST:
 4
            Q.
                Okay. So have you always been an
 5
     armed officer?
 6
            Α.
                    No.
 7
            Q.
                    When did you first become an armed
 8
     officer?
 9
                    I want to say 2011-ish. I can't
     remember the exact date.
10
                 But long before this incident;
11
            Q.
12
     right?
13
            Α.
                   Yes.
14
            O.
                   So do you remember supervising
     someone who was on probation by the name of
15
16
17
            Α.
                    Yes.
18
            Q.
                    Can you just -- for brevity's sake,
19
     I'm going to try to ask you a very general
20
     question.
21
                    Can you tell me everything you
22
     remember about your interactions with
23
                    Just we had contact by phone. It
            Α.
24
    was during the pandemic, so at that time no one
```

```
Page 11
     was coming into the office.
 1
 2
            Q.
                    Okay.
                           What was
                                                 on
     probation for?
 3
 4
                    MR. ASSINI: Objection to form.
 5
                    But you can answer if you
               understand.
 6
 7
     BY MR. WEST:
                    I should have given you a few more
 8
            Q.
 9
     instructions. You are only being -- all of my
10
     questions are just intended to ask what you
     personally know, so I am not going to ask you to
11
12
     guess or speculate at any time. If you are not in
13
     possession of complete understanding, but you can
14
     give us an estimate or an approximation, we would
15
     ask for you to let us know that you are giving us
16
     an estimate.
17
                    This isn't intended to be an
18
     unnecessarily uncomfortable -- it's hard to hear
     me with this, isn't it? This isn't intended to be
19
20
     an unnecessarily uncomfortable process, so if at
21
     any point you would like a break or anything, just
22
                   If you have any trouble
     let me know.
23
     understanding any of the questions, please don't
24
     answer them. I'll be more than glad to speak
```

```
Page 12
     louder, slower, faster, rephrase questions if at
 1
 2
     all possible, anything like that. Okay?
 3
            Α.
                    Yes.
 4
                    With that said, do you know why
            Q.
 5
                 was on probation, if he was?
                     I believe it was for firearm
 6
            Α.
 7
     charges, but I didn't write it down, so I can't
     remember offhand.
 8
 9
            Ο.
                    And how long did you supervise him?
10
                    His case was transferred to me --
     his case was transferred to me on 7/24/2020.
11
12
                    And before that date in July of
            Q.
13
     2020, was
                            already under some form of
14
     supervision?
15
            Α.
                    Yes.
16
            Ο.
                    And are you able to remember or
17
     just by reviewing your notes able to determine
18
     when
                      first went under -- on
19
     supervision?
20
                    MR. ASSINI: Objection to form.
21
                    But you can answer if you
22
               understand the question.
23
                    THE WITNESS: I believe it was
               April 9, 2019.
24
```

```
Page 13
 1
     BY MR. WEST:
 2
            Q.
                So well before the COVID pandemic;
 3
     correct?
 4
            Α.
                    Yes.
 5
                    Okay. And who would have been his
            Ο.
     probation supervisor back then?
 6
 7
                    MR. ASSINI: Objection to form.
 8
                    You can answer.
 9
                    MR. WEST: If you know.
10
                    THE WITNESS: His supervisor or
               officer?
11
12
                    MR. ASSINI: So I objected to form,
13
               but you can -- if you want to clarify
14
               that or ask -- go ahead.
15
    BY MR. WEST:
16
              And if I am misstating things --
            Q.
17
     I'm very fortunate that, either as a civilian or a
     lawyer, I have had almost no interaction with this
18
19
     system, so I'm going to be misstating terms.
20
                    So if officer is the right --
21
    probation officer --
22
                    MR. ASSINI: Can we go off the
23
               record?
24
                    MR. WEST: Yes.
```

```
Page 14
 1
 2
                    (Whereupon, a discussion took place
 3
               off the stenographic record.)
 4
 5
                    MR. WEST: Let me ask the question
 6
               more generally.
 7
     BY MR. WEST:
 8
                    Do you know the name and title of
            Q.
 9
     the person who would have been supervising
         back when his case initiated in 2019?
10
                    Michael Anderson.
11
            Α.
12
            Q.
                   Okay.
13
                    And he was under monitored
            Α.
14
     supervision, which is house arrest.
15
            Q.
                    Okay. House arrest.
16
                    And that date was, again, what in
17
     2019?
18
                    MR. ASSINI: I think you said
19
               April.
20
                    THE WITNESS: It says April 26,
21
               2019 that they received notification of
22
               house arrest.
23
     BY MR. WEST:
               What is Michael Anderson's job
24
            Q.
```

```
Page 15
 1
     title? At least what would it have been at that
 2
     time?
 3
            Α.
                    A probation parole officer.
 4
                    So generally the same as yourself?
            Q.
 5
            Α.
                    Yes.
                    In your experience, especially in
 6
            Q.
 7
     the pre-COVID days back in 2019, if someone was
     placed on house arrest, would the probation
 8
 9
     officer normally inspect the home?
10
                    MR. ASSINI: Objection to form.
11
                    You can answer.
12
                    THE WITNESS: Yes.
                                         They actually
13
               go out and, I guess, investigate the
14
               house and see if the person is eligible
15
               to be on house arrest and see if the
16
               equipment can fit in the house and, I
17
               guess, the range.
18
     BY MR. WEST:
19
            Q.
                    Okay. And don't you guys normally
20
     inspect the house as well to see who the person is
21
     living with because there's usually restrictions
22
     limiting who people placed on probation are
     allowed to live with?
23
24
                    MR. ASSINI: Objection to form.
```

```
Page 16
 1
                    You can answer.
 2
                    THE WITNESS: Am I speaking for
 3
               house arrest or speaking for what I do
 4
               in my unit?
 5
     BY MR. WEST:
 6
                    I guess house arrest.
            Q.
 7
                    But to ask a different question
     then, do you never handle people with house
 8
 9
     arrest?
10
                    I usually get people once they
     complete house arrest and transfer them to our
11
12
     unit.
13
            Ο.
                    Okay. But are you still familiar
14
     with what the procedures for house arrest are?
15
            Α.
                    Not a hundred percent.
16
            Ο.
                    Okay. Is it your general
17
     understanding that in order for someone to be
18
     placed on house arrest, a probation officer needs
19
     to go to the house in question and inspect it?
20
            Α.
                    Yes.
21
            Q.
                    And are you able -- thank you for
22
     bringing these records with you. I'm only getting
23
     a chance to quickly scan them for the first time
24
     now.
```

```
Page 17
 1
                    Are you able to look on these and
 2
     actually find if it's recorded anywhere that
     someone actually did physically go to the house
 3
 4
     where
                       was living?
 5
                    Give me a second.
            Α.
 6
                    While you are looking for that, can
            Q.
 7
     I quickly ask you another question? I can see on
     the notation for April 29, 2019 that an NCIC check
 8
 9
     was performed.
10
                    Do you know what NCIC would stand
11
     for in this case?
12
                    It's like a GNET search. You have
            Α.
13
     access to a federal database that you can look up
14
     offenders' information as far as their criminal
15
     history.
16
            Ο.
                    Okay.
17
                    Only thing that I could see in the
18
     notes was that --
19
            Q.
                    Yes, actually --
                    -- on 4/25/2019 that a field team
20
            Α.
21
     went out.
22
                          So if we go to April -- I'm
                    Yes.
            Q.
23
     sorry. I'm asking this question a little bit
     inappropriately, but I'm trying not to take up
24
```

Page 18 1 extra of your time. 2 It specifically says right on here April 26, 2019 and somebody went to the house, and 3 4 the location is specifically specified as a second 5 floor apartment with the rear entrance off 6 Margaret Street; right? 7 Yes. But it stated that they went out on 4/25/2019. 8 9 Q. Right. So these records indicate 10 that somebody went out there and they knew at that time that the entrance to the property was through 11 12 the rear door; correct? 13 MR. ASSINI: Objection to form. 14 MR. WEST: Well, actually, strike 15 the question. It's a little bit of an 16 inappropriate question. 17 BY MR. WEST: 18 Q. And you didn't write these records; 19 right? 20 Α. Yes. 21 Q. So looking at the notation on 4/26, 22 it looks like the author's name is MatteoJ. 23 Do you think that's the person who 24 would have done the actual physical inspection of

```
Page 19
     the home or do you think, from these records, it
 1
 2
     would have been someone else?
 3
                    MR. ASSINI: If you know.
 4
                    THE WITNESS: Basically -- her name
 5
               is Jaclyn Matteo. I think she gets the
               order and then she connects everybody to
 6
 7
               process and send people out. I don't
               know if she physically goes out, but I
 8
               know she is like the handler of the
 9
10
               house arrest applications that come
11
               through or the orders. She verifies it
12
               and then sends the team out to verify
13
               the address. Then once they come back,
14
               they will assign it to the officer who
15
               is going to be supervising the house
16
               arrest.
17
     BY MR. WEST:
18
            Q.
                    All right. If we wanted to ask the
     person most likely to have more information about
19
20
     how this inspection occurred back in April of
21
     2019, do you think Jaclyn Matteo would be probably
22
     our best bet as far as to ask more questions?
23
                                 If you know.
                    MR. ASSINI:
24
                    Objection to form.
```

```
Page 20
 1
                    THE WITNESS: I would say yes.
                                                     And
 2
               she probably could tell you who the
               officer's name and stuff were when they
 3
 4
               went out at that time.
 5
     BY MR. WEST:
 6
                    Okay. And is she still, as far as
            Q.
 7
     you are aware, currently employed with the First
     Judicial District?
 8
 9
            Α.
                    Yes.
10
               Did you ever personally go to the
            Q.
11
     home in which
                               was allegedly staying?
12
                    No.
            Α.
13
                    Did you ever speak with anyone from
            Ο.
14
     the Philadelphia Police Department about executing
15
                              's home?
     a warrant at
16
            Α.
                    I spoke with a homicide detective.
17
                    Is that Detective Graf?
            Q.
18
            Α.
                    Yes.
19
                    MR. WEST: And Graf is spelled
20
               G-R-A-F.
21
     BY MR. WEST:
22
            Q.
                    Did you speak with anyone else from
23
     the Philadelphia Police Department regarding this
     or only Detective Graf?
24
```

Page 21 1 Only Detective Graf. Α. 2 Q. Can you -- today, can you remember that conversation with Detective Graf? 3 4 Yes. Α. 5 Okay. So please tell me everything Ο. you can remember about that conversation. 6 7 Do you want me to read the note or just like summarize? 8 9 Q. Well, that's what I am trying to 10 distinguish. I am trying to distinguish between if you are just reading a note that, you know, is 11 12 something that you know is written down or 13 actually what you can remember independent from 14 the notes. 15 So right now I'm asking you -- if 16 you wouldn't mind even kind of just setting the 17 paper aside for a moment and just let me know what 18 you can remember from your independent recollection, if anything. 19 20 I just remember him calling me and 21 stating how dangerous Mr. was and that he was 22 wanted for murder and they were looking at him 23 because he's been kind of terrorizing the neighborhood or the surrounding neighborhood that 24

Case 2:22-cv-03763-JFM Document 29-2 Filed 10/31/23 Page 184 of 670 Page 22 he lived in. And then, at the time, they said 1 they were going to execute a warrant at the house and they asked me have I been out. 3 4 And I said, no, because of the 5 pandemic we are not allowed to do any home visits. 6 So then he said, can you verify or 7 just tell me if the address I have is correct or do you have any alternative addresses? 8 9 So at that time, I asked my 10 supervisor -- because more recently we are not allowed to speak to certain people about releasing 11 12 information. So my supervisor said it was okay to talk with him, and the address that he said was 13 14 the same address that we had, that was in our 15 notes. So I told him that was the same address, 16 but I haven't personally been out to verify 17 through a field visit like we would normally do. 18 So they said they would just let me know if they pick him up. 19

- Q. Did Detective Graf -- strike the
- 21 question.
- Just to lay a foundation, I can
- 23 represent to you that the warrant in this case
- 24 does specify that was on the second

Page 23 floor rear apartment. With that foundation, did 1 2 Detective Graf ask you any questions about how to 3 physically get access to that particular apartment 4 number? 5 MR. SANTIAGO-PAGAN: Objection to 6 form. 7 MR. ASSINI: You can answer to the 8 extent you can. 9 THE WITNESS: No. 10 BY MR. WEST: 11 Did detective Graf ask you if you Q. 12 had access to any records that would have provided 13 any sort of guidance as to how to physically 14 access the apartment in which was 15 believed to occupy? 16 MR. ASSINI: Objection to form. 17 But you can answer. 18 THE WITNESS: No. 19 BY MR. WEST: 20 Did Detective Graf ask to see these Q. 21 records that you have provided to us today? 22 Α. No. 23 If Detective Graf had asked to see Q. 24 these records, would you have provided him a copy?

```
Page 24
 1
                    I would have had --
            Α.
 2
                    MR. SANTIAGO-PAGAN: Object to
 3
               form.
 4
                    MR. ASSINI: Go ahead. You can
 5
               answer.
 6
                    THE WITNESS: I would have had to
 7
               get permission from our department and
               then if they said yes, then I could give
 8
               it to him, but if not, then no.
 9
10
     BY MR. WEST:
11
                    Can you think of any reason why the
            Ο.
12
     First Judicial District would be unwilling to
     cooperate on an issue like this with the
13
14
     Philadelphia Police Department?
15
                    MR. ASSINI: Objection to form.
16
                    MR. WEST: In your personal
17
               experience.
18
                    THE WITNESS: We're just restricted
19
               on a lot of stuff, so right now, it's
20
               just you have to ask permission and if
21
               they say yes, you go with it, if they
22
               say no, then you don't.
23
     BY MR. WEST:
24
                    Do you have any personal knowledge
            Q.
```

Page 25 or understanding of why information would be 1 2 restricted as to what's provided to the 3 Philadelphia Police Department out trying to catch 4 a murder suspect? 5 MR. ASSINI: You can answer to the extent you know. I mean --6 7 THE WITNESS: No. We just follow orders. That's all I can say. 8 9 BY MR. WEST: 10 But in any case, if Detective Graf Ο. had asked the question as to if an inspection had 11 12 been made of the address where was 13 believed to reside, you could have looked at your 14 records and answered the question in the 15 affirmative; correct? 16 MR. ASSINI: Objection to form. 17 MR. SANTIAGO-PAGAN: Objection to 18 form. 19 THE WITNESS: Can you repeat the 20 question? 21 BY MR. WEST: 22 Yes. If Detective Graf had asked Ο. 23 the question whether your records indicated that 24 an inspection had been made of the home where

```
Page 26
 1
                 was believed to reside, you could have
 2
     answered that in the affirmative; correct?
 3
                    MR. ASSINI: Same objection to the
 4
               form.
 5
                    But go ahead. You can answer.
                    THE WITNESS: I could have just
 6
 7
               told him it was confirmed while he was
               on house arrest, but I couldn't tell him
 8
 9
               or confirm it at that time.
10
     BY MR. WEST:
11
                    Right. And you could have told him
            Ο.
12
     what's indicated in these records, that the
13
     entrance to the property was through the rear;
14
     correct?
15
                    MR. ASSINI: Objection to form.
16
                    MR. SANTIAGO-PAGAN: Objection to
17
               the form.
18
                    THE WITNESS: I guess, yes.
19
     BY MR. WEST:
20
                    And also, you know, our deposition
21
     here has only been a few minutes. In the same
22
     amount of time or less, you also could have told
23
     him that if he wanted more information, he could
24
     reach out to Jaclyn Matteo; correct?
```

```
Page 27
 1
                    MR. ASSINI: Objection to the form.
 2
                    THE WITNESS: I guess, yes.
 3
     BY MR. WEST:
 4
            Q.
                    And I apologize. I'm going to ask
 5
     the question differently just because that
 6
     probably is objectionable.
 7
                    If Detective Graf had asked you if
     there was anyone in your office who had more
 8
 9
     information about the home inspection, you could
10
     have encouraged Detective Graf to get in touch
11
     with Jaclyn Matteo; correct?
12
                    MR. SANTIAGO-PAGAN: Objection to
13
               the form.
14
                    MR. ASSINI: Objection to the form.
15
                    But go ahead.
16
                    THE WITNESS: Yes or, I guess, his
17
               officer at the time, supervisor, Michael
18
               Anderson.
19
     BY MR. WEST:
20
                    Okay. And the only reason that you
21
     didn't provide this information to Detective Graf
22
     is because he didn't ask the question; correct?
23
                    MR. SANTIAGO-PAGAN: Objection to
24
               form.
```

```
Page 28
 1
                    THE WITNESS:
                                   I guess.
                                             I don't
 2
               remember.
 3
     BY MR. WEST:
 4
            Q.
                    Is there any other reason why you
 5
     wouldn't -- strike the question.
 6
                    Did you want to cooperate with
 7
     Detective Graf to give him any information that
     might help him to capture this murder suspect?
 8
 9
                    MR. SANTIAGO-PAGAN: Objection to
10
               form.
11
                    THE WITNESS: Yes.
12
     BY MR. WEST:
13
            Ο.
                    And would you have provided
     Detective Graf with any question that he -- with
14
     any -- strike the question.
15
16
                    Would you have willingly provided
17
     Detective Graf with any information available to
18
     you that would have assisted in the Philadelphia
19
     Police Department executing this warrant in a way
20
     that was likely to lead to the capture of
21
         without infringing on the constitutional
22
     rights of others?
23
                    MR. SANTIAGO-PAGAN: Objection to
24
               form.
```

```
Page 29
 1
                    MR. ASSINI: Objection to the form.
 2
                    You can try to answer.
 3
                    THE WITNESS: Oh.
                                       Yes.
 4
     BY MR. WEST:
 5
                    And when Detective Graf called you,
            Ο.
     you were cooperative and willing to provide any
 6
 7
     information available to you?
                    MR. ASSINI: Objection to form.
 8
 9
                    You can answer.
10
                    THE WITNESS: Yeah, as long as it
11
               was in the rights that my supervisor was
12
               okay with it, yes.
13
     BY MR. WEST:
14
                    Okay. And probably the last
            Ο.
15
     question, all of the information that you have
16
     provided us today, this printout from your
17
     records, this would have been available to you
18
     back a couple of years ago as well; correct?
19
                    MR. ASSINI: Objection to form.
20
                    But go ahead.
21
                    THE WITNESS: Yes, but sometimes
22
               house arrest notes aren't imported to
               us, so we might not have been able to
23
24
               see it. But usually if it's just a
```

```
Page 30
               regular officer transferring paperwork,
 1
 2
               we would be able to see all of the
 3
               notes.
 4
     BY MR. WEST:
 5
                    All right. And the records
            Ο.
     indicating the home inspection, that would have
 6
 7
     been available to you back at the time you spoke
     to Detective Graf; correct?
 8
 9
                    MR. SANTIAGO-PAGAN: Objection to
10
               form.
                    THE WITNESS: It was available, but
11
12
               not always -- it's not always
13
               accessible. Like usually house arrest
14
               notes are separate from the notes that
15
               we see.
16
     BY MR. WEST:
17
                    Is that something that you could --
            Ο.
     if Detective Graf had asked you to find if the
18
     home had ever been inspected, could you have
19
20
     provided him an accurate answer to that question
21
     even back at the time Detective Graf spoke with
22
     you?
23
                    MR. ASSINI: Objection to form.
24
                    But go ahead.
```

```
Page 31
 1
                    THE WITNESS: Based on the notes, I
 2
               could have. But if I didn't have access
 3
               to the notes, then I would have to go to
 4
               house arrest directly and ask for access
 5
               to the notes.
     BY MR. WEST:
 6
 7
            Ο.
                And is that something you would
    have been willing to do if Detective Graf had
 8
 9
     asked you to do it?
10
                If I was able to get permission to
11
     do so, yes.
12
                    Do you have any reason to believe
            Q.
13
     your supervisor wouldn't have allowed you to do
14
     that?
15
                    MR. SANTIAGO-PAGAN: Objection to
16
               the form.
17
                    MR. ASSINI: Objection to the form.
18
                    THE WITNESS: I guess it depends on
19
               what the director says to him. A lot of
20
               things we have to get permission to do,
21
               so it depends on that.
22
     BY MR. WEST:
23
                    Okay. And you also could have
            Q.
24
     encouraged Detective Graf to speak with your
```

```
Page 32
 1
     supervisor directly; correct?
 2
                    MR. SANTIAGO-PAGAN: Objection to
 3
               the form.
 4
                    MR. ASSINI: Objection to the form.
 5
                    THE WITNESS: Yes.
 6
     BY MR. WEST:
 7
            Ο.
               But none of that happened because
 8
    Detective Graf didn't ask the question; correct?
 9
                    MR. SANTIAGO-PAGAN: Objection to
10
               form.
11
                    THE WITNESS: Right.
12
                    MR. WEST: I have nothing further
13
               for you today. I hope you do have a
14
               wonderful Friday. I hope that they are
               going to let you have the whole day off.
15
16
                    THE WITNESS: That would be nice.
17
                    MR. ASSINI: That's not my call.
18
                    MR. SANTIAGO-PAGAN: Do you have
19
               anything to follow up?
20
                    MR. ASSINI: Well, no. Go ahead.
21
22
                         EXAMINATION
23
24
    BY MR. SANTIAGO-PAGAN:
```

Page 33 1 Ms. Shannon, these documents that Q. 2 you provided today were not provided to Mr. Graf when you spoke to him related to the conversation 3 4 that you had with him on, it looks like, June 2, 5 2021, is that right, these documents themselves? 6 Yes. Α. 7 Okay. You would have needed to get permission from a supervisor to give him any of 8 9 the information contained in these records; right? 10 Α. Yes. 11 In fact, you did get permission Ο. 12 even just to confirm the address that Mr. Graf provided to you; right? 13 14 Α. Yes. 15 And similarly to how you needed to Ο. 16 get permission to just provide confirmation of the 17 address, you would have needed to get permission to provide any other information in these 18 19 documents; correct? 20 MR. ASSINI: Objection to the form. 21 THE WITNESS: Yes. 22 BY MR. SANTIAGO-PAGAN: 23 And you don't know because you are Ο. 24 unaware as of today what the parameters are for

```
Page 34
     giving information and not --
 1
 2
                    MR. ASSINI: Objection to form.
 3
                    Sorry.
 4
     BY MR. SANTIAGO-PAGAN:
 5
                    -- what -- whether your supervisor
            Ο.
     would have allowed you to provide this information
 6
 7
     or not; correct?
 8
            Α.
                    Yes.
 9
            Q.
                    And then I just want to go to the
10
     June 2, 2021 note itself.
11
                    MR. SANTIAGO-PAGAN: Is that
12
               Shannon-1?
13
                    MR. WEST: Yes.
14
     BY MR. SANTIAGO-PAGAN:
15
            Ο.
                    On the exhibit marked Shannon-1,
     where it says 12:30, phone, Homicide Detective
16
     Fran Graf -- do you agree that it says that there?
17
18
            Α.
                    Yes.
19
            Q.
                    And can you read through that note
20
     where it says -- maybe in the middle of the
21
     paragraph it says he wanted to know if we verified
22
     -- do you see where I am reading?
23
            Α.
                    Yes.
24
                    MR. WEST: What's the page number?
```

```
Page 35
 1
                    MR. SANTIAGO-PAGAN:
                                          Page --
 2
                    THE WITNESS: 2 of 21.
 3
                    MR. SANTIAGO-PAGAN: -- 2 of 21.
 4
               Thank you.
 5
     BY MR. SANTIAGO-PAGAN:
 6
                    Where it says he wanted to know if
            Q.
 7
     we verified his address or had any alternative
     addresses to one they had on file which is the
 8
 9
     address we had, do you agree that that's what it
     said?
10
11
            Α.
                    Yes.
12
                    And that's what you were referring
            Q.
13
     to with you had to get confirmation from your
14
     supervisor to confirm that -- verify that that was
     the address; correct?
15
16
            Α.
                    Yes.
17
                    And then later on it says PO told
            Q.
     him we only had contact with PP by phone.
18
19
                    Do you agree that that's what it
20
     said?
21
            Α.
                    Yes.
22
                    And that's what you were referring
            Q.
23
     to earlier when you said you didn't actually go
     out to the home, you only were supervising him by
24
```

```
Page 36
 1
    phone; correct?
 2
            Α.
                    Yes.
 3
            Q.
                    And where it says we could not
     confirm his address by a field visit, do you agree
 4
 5
     that that's what it says?
 6
            Α.
                    Yes.
 7
                    And that's because you hadn't gone
     out and confirmed it via field visit?
 8
 9
            Α.
                    Yes.
10
            Ο.
                    Were you asked whether you could
11
     have confirmed the address of Mr.
                                                    by
12
     field visit?
13
                    MR. ASSINI: Objection to the form.
14
                    You can answer.
15
                    THE WITNESS: He asked me have you
16
               been out to the house and I said no.
17
    BY MR. SANTIAGO-PAGAN:
18
                    When you write a note like we could
            Q.
19
     not confirm his address by field visit, in your
20
     experience, in your personal experience, is that
21
     because you are being asked whether -- strike
22
     that.
23
                    MR. SANTIAGO-PAGAN: I have nothing
               further.
24
```

```
Page 37
 1
                    MR. WEST: Just real quick
 2
               follow-up.
 3
 4
                         EXAMINATION
 5
 6
     BY MR. WEST:
 7
            Ο.
                Did Detective Graf request any
     information from you that you told him, for any
 8
     reason, you couldn't give him?
 9
10
                    MR. SANTIAGO-PAGAN: Objection to
11
               form.
12
                    MR. WEST: I can rephrase the
13
               question.
14
    BY MR. WEST:
15
            Q.
                    Is there any question that
16
     Detective Graf asked you that you replied by
     telling him that you couldn't give him the
17
18
     information for any reason?
19
                    MR. SANTIAGO-PAGAN: Objection to
20
               form.
21
                    THE WITNESS: No.
22
     BY MR. WEST:
23
                  Okay. So any question that
            Q.
24
    Detective Graf actually asked you, you gave him an
```

```
Page 38
    accurate answer to the best of your ability;
 1
    correct?
 3
                   MR. SANTIAGO-PAGAN: Objection to
 4
              form.
 5
                   MR. ASSINI: Objection to the form.
 6
                   Go ahead.
 7
                   THE WITNESS: Yes.
 8
                   MR. WEST: Okay. No further
9
              questions.
10
                   MR. ASSINI: I have nothing.
11
                   MR. SANTIAGO-PAGAN: Just give me
12
              one second.
13
                   MR. WEST: While you look that up,
14
              I have one last.
15 BY MR. WEST:
16
           Q. This says ISTPD, what's that stand
17
    for?
18
                   MR. ASSINI: Do you know where we
19
              are looking?
                   MR. WEST: Yes, just the first
20
21
               line.
22
                   THE WITNESS: Say that question
23
              again.
24 BY MR. WEST:
```

```
Page 39
 1
                    ISTPD. So the first entry on here,
            Q.
 2
     it says this Sequence 3 automated appointment has
     been scheduled by ISTPD.
 3
 4
                    Do you know what ISTPD stands for
 5
     on Page 1?
 6
                    Oh.
                         That's -- so back when it was
            Α.
 7
     a pandemic, we only had contact with people by
     phone. And then after a certain amount of time,
 8
 9
     they automatically scheduled people to come in on
10
     certain dates, and so they were allowed -- the
     people were allowed or the probationers were
11
12
     allowed to come back into the building on that
13
     date and time.
14
                    So the ISTPD is the author of the
15
            So they imported the notes into our system
     note.
16
     to notify us when we can tell people to start
17
     reporting in person.
18
            Q.
                    Okay.
19
                    MR. SANTIAGO-PAGAN: You good?
20
                    MR. WEST: Yes.
21
22
                         EXAMINATION
23
24
     BY MR. SANTIAGO-PAGAN:
```

Page 40 1 So Ms. Shannon, you willingly gave Q. 2 information to Officer Graf when he called you; 3 correct? 4 Yes. Α. 5 Ο. But you did that after you got permission from your supervisor; correct? 6 7 Α. Yes. 8 Q. And then where -- we are looking 9 back at the same Page 2 of 21 where it says --10 right above the 12:30 p.m. note, there's a 1:00 p.m. note. It says PO left a voicemail stating 11 12 she is looking for PP to call her back at 13 215-683-1097. 14 Do you agree that it says that? 15 Α. Yes. 16 As you sit here today, do you Ο. 17 recall why you were calling, what information you were trying to gather? 18 19 I was just trying to get in contact 20 with him to report. At the time, I haven't had a 21 phone call from him, so I just reached out to him. 22 Ο. Was the conversation that you had 23 with Homicide Detective Fran Graf, did that lead 24 you to try to make a phone call?

```
Page 41
 1
            Α.
                    Yes.
 2
            Q.
                    And was there anything that you can
     recall that you were trying to confirm through
 3
 4
     that phone call?
 5
                    Just to establish contact with him
            Α.
     because we gave him certain dates and times to
 6
 7
     call and report in and just verify to his address
     one more time just to be sure.
 8
 9
            Ο.
                    Do you recall whether you were
10
     verifying his address for any specific reason?
11
                    Just like to verify it again.
12
     Usually when they call we ask if their address,
     phone number is the same and if they're employed
13
14
     or not or if anything new happened by the time --
15
     from the last time we spoke with him.
16
            Q.
                    Okay.
17
                    MR. SANTIAGO-PAGAN: I have nothing
18
               further.
19
20
                     (Whereupon, a discussion took place
21
               off the stenographic record.)
22
23
                    MR. SANTIAGO-PAGAN: I just want to
24
               move to designate the portions of this
```

	Page 42
1	deposition that refer to Mr.
2	by his name to be designated as
3	confidential pursuant to the
4	confidentiality order with regard to the
5	suspect's name that's in place for this
6	case.
7	MR. WEST: No objection.
8	MR. ASSINI: That's fine.
9	MR. SANTIAGO-PAGAN: That's all.
10	
11	(Whereupon, the deposition
12	concluded at 10:39 a.m.)
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	

	Page 43
1	CERTIFICATION
2	
3	I, CANDACE WEINDEL, hereby
4	certify that the foregoing is a true and
5	correct transcript transcribed from the
6	stenographic notes taken by me on Friday,
7	September 15, 2023.
8	
9	
10	MDTC4.
11	S S S S S S S S S S S S S S S S S S S
12	Candace C. Windel
13	Candace Weindel,
14	Court Reporter Notary Public
15	
16	(This soutification does not omply
17	(This certification does not apply to any reproduction of this transcript,
18	unless under the direct supervision of the certifying reporter.)
19	
20	
21	
22	
23	
24	

	Page 44
1	INSTRUCTIONS TO WITNESS.
2	
3	Please read your deposition over
4	carefully and make any necessary
5	corrections. You should state the reason in
6	the appropriate space on the errata sheet
7	for any corrections that are made.
8	After doing so, please sign the
9	errata sheet and date it.
10	You are signing same subject to the
11	changes you have noted on the errata sheet,
12	which will be attached to your deposition.
13	It is imperative that you return the
14	original errata sheet to the deposing
15	attorney within thirty (30) days of receipt
16	of the deposition transcript by you. If you
17	fail to do so, the deposition transcript may
18	be deemed to be accurate and may be used in
19	court.
20	
21	
22	
23	
24	

		Page 45
1	ERRATA	
2		
3	PAGE LINE CHANGE	_
4	Reason for	
5	Change:	_
6		_
7	Reason for Change:	_
8		_
9	Reason for	
10	Change:	_
11		-
12	Reason for Change:	
13		_
14	Reason for Change:	
15		
16		_
17	Reason for Change:	
18		_
19	Reason for Change:	
20		
21		-
22	Reason for Change:	
23		_
24		

	Page 46
1	ACKNOWLEDGMENT OF DEPONENT
2	I,, do hereby
3	certify that I have read the foregoing pages
4	to and that the same is a correct
5	transcription of the answers given by me to
6	the questions therein propounded, except for
7	the corrections or changes in form or
8	substance, if any, noted in the attached
9	Errata Sheet.
10	
11	
12	DATE SIGNATURE
13	
14	Subscribed and sworn to before me this
15	, day of, 2023.
16	
17	My commission expires:
18	
19	
20	
21	Notary Public
22	rocary rubite
23	
24	

rado 1:5 7 Int 26:22 8 Prson 14:11 18 Prson's 24 Pr 6:8,19 4 11:5,24 21 13:8 11 16:1 7,17 24:5 5 26:5 29:2 9 30:20 14 38:1 Pred 25:14 2 Pres 46:5 Ement 18:5 1,3,14 Projze 27:4 Prance 4:20	27:7 30:18 31:9 36:10,15 36:21 37:16,24 asking 17:23 21:15 assign 19:14 ASSINI 2:9 5:22 6:11,15 7:15 7:22 9:12,14 9:23 11:4 12:20 13:7,12 13:22 14:18 15:10,24 18:13 19:3,23 23:7 23:16 24:4,15 25:5,16 26:3 26:15 27:1,14 29:1,8,19 30:23 31:17 32:4,17,20 33:20 34:2 36:13 38:5,10 38:18 42:8 assisted 28:18 attached 44:12	Basically 19:4 beginning 1:17 believe 12:6,23 31:12 believed 23:15 25:13 26:1 best 19:22 38:1 bet 19:22 bit 17:23 18:15 branch 6:3,16 break 11:21 brevity's 10:18 bringing 16:22 Broad 1:15 2:4 brought 4:19 building 39:12 C C 2:1 call 32:17 40:12 40:21,24 41:4 41:7,12 called 29:5 40:2 calling 21:20	Change 45:2,4,7 45:9,11,14,16 45:19,21 changes 44:11 46:7 charges 12:7 check 17:8 City 1:8 2:10,14 5:17,20 6:1,3 6:10 civilian 13:17 clarify 5:22 13:13 classification 9:18 classified 9:3,11 Client 3:11 collective 9:16 collectively 10:2 come 19:10,13 39:9,12 coming 11:1 commission 46:17
erson 14:11 18 erson's 24 er 6:8,19 4 11:5,24 21 13:8 11 16:1 7,17 24:5 5 26:5 29:2 9 30:20 14 38:1 ered 25:14 2 ers 46:5 tment 18:5 1,3,14 ogize 27:4	36:21 37:16,24 asking 17:23 21:15 assign 19:14 ASSINI 2:9 5:22 6:11,15 7:15 7:22 9:12,14 9:23 11:4 12:20 13:7,12 13:22 14:18 15:10,24 18:13 19:3,23 23:7 23:16 24:4,15 25:5,16 26:3 26:15 27:1,14 29:1,8,19 30:23 31:17 32:4,17,20 33:20 34:2 36:13 38:5,10 38:18 42:8 assisted 28:18	believe 12:6,23 31:12 believed 23:15 25:13 26:1 best 19:22 38:1 bet 19:22 bit 17:23 18:15 branch 6:3,16 break 11:21 brevity's 10:18 bringing 16:22 Broad 1:15 2:4 brought 4:19 building 39:12 C C 2:1 call 32:17 40:12 40:21,24 41:4 41:7,12 called 29:5 40:2	45:19,21 changes 44:11 46:7 charges 12:7 check 17:8 City 1:8 2:10,14 5:17,20 6:1,3 6:10 civilian 13:17 clarify 5:22 13:13 classification 9:18 classified 9:3,11 Client 3:11 collective 9:16 collectively 10:2 come 19:10,13 39:9,12 coming 11:1 commission
8 erson 14:11 18 erson's 24 er 6:8,19 4 11:5,24 21 13:8 11 16:1 7,17 24:5 5 26:5 29:2 9 30:20 14 38:1 ered 25:14 2 ers 46:5 tment 18:5 1,3,14 ogize 27:4	asking 17:23 21:15 assign 19:14 ASSINI 2:9 5:22 6:11,15 7:15 7:22 9:12,14 9:23 11:4 12:20 13:7,12 13:22 14:18 15:10,24 18:13 19:3,23 23:7 23:16 24:4,15 25:5,16 26:3 26:15 27:1,14 29:1,8,19 30:23 31:17 32:4,17,20 33:20 34:2 36:13 38:5,10 38:18 42:8 assisted 28:18	31:12 believed 23:15 25:13 26:1 best 19:22 38:1 bet 19:22 bit 17:23 18:15 branch 6:3,16 break 11:21 brevity's 10:18 bringing 16:22 Broad 1:15 2:4 brought 4:19 building 39:12 C C 2:1 call 32:17 40:12 40:21,24 41:4 41:7,12 called 29:5 40:2	changes 44:11 46:7 charges 12:7 check 17:8 City 1:8 2:10,14 5:17,20 6:1,3 6:10 civilian 13:17 clarify 5:22 13:13 classification 9:18 classified 9:3,11 Client 3:11 collective 9:16 collectively 10:2 come 19:10,13 39:9,12 coming 11:1 commission
erson 14:11 18 erson's 24 er 6:8,19 4 11:5,24 21 13:8 11 16:1 7,17 24:5 5 26:5 29:2 9 30:20 14 38:1 ered 25:14 2 ers 46:5 tment 18:5 1,3,14 egize 27:4	21:15 assign 19:14 ASSINI 2:9 5:22 6:11,15 7:15 7:22 9:12,14 9:23 11:4 12:20 13:7,12 13:22 14:18 15:10,24 18:13 19:3,23 23:7 23:16 24:4,15 25:5,16 26:3 26:15 27:1,14 29:1,8,19 30:23 31:17 32:4,17,20 33:20 34:2 36:13 38:5,10 38:18 42:8 assisted 28:18	believed 23:15 25:13 26:1 best 19:22 38:1 bet 19:22 bit 17:23 18:15 branch 6:3,16 break 11:21 brevity's 10:18 bringing 16:22 Broad 1:15 2:4 brought 4:19 building 39:12 C C 2:1 call 32:17 40:12 40:21,24 41:4 41:7,12 called 29:5 40:2	46:7 charges 12:7 check 17:8 City 1:8 2:10,14 5:17,20 6:1,3 6:10 civilian 13:17 clarify 5:22 13:13 classification 9:18 classified 9:3,11 Client 3:11 collective 9:16 collectively 10:2 come 19:10,13 39:9,12 coming 11:1 commission
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EXHIBIT "F"

Transcript of the Testimony of: **Jaclyn Matteo-Hand**

Date: September 27, 2023

Case: Alvarado v. City of Philadelphia, et al

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Remote Oral Deposition of JACLYN MATTEO-HAND, taken via Zoom conference technology, on the above	15
date, beginning at approximately 1:00 p.m., before	16
Dawn M. Burr, a Professional Court Reporter and	17
Notary Public, there being present.	18
	19
DIAMOND COURT REPORTING	20
406 Redbud Lane	21
Mantua, New Jersey 08051	22
(856) 589-1107	23
dcr.diamond@comcast.net	24
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A P P E A R A N C E S: VICTIMS' RECOVERY LAW CENTER	1
BY: KEITH THOMAS WEST, ESQUIRE The North American Building	2 (It was stipulated by and between
The North American Building 121 South Broad Street, 18th Floor	3 counsel that all objections, except as
Philadelphia, PA 19107	4 to the form of the question, be reserved
Counsel for the Plaintiff	
5 Tel. 215-546-1433	5 until the time of trial.)
E-mail: keith@victimrecoverylaw.com	5 until the time of trial.) 6
10. 213 3 10 1 133	· ·
E-mail: keith@victimrecoverylaw.com * * * * * CITY OF PHILADELPHIA - LAW DEPARTMENT	6 7 JACLYN MATTEO-HAND, having
E-mail: keith@victimrecoverylaw.com * * * * * * CITY OF PHILADELPHIA - LAW	6 7 JACLYN MATTEO-HAND, having 8 been duly sworn as a witness, was
E-mail: keith@victimrecoverylaw.com * * * * * * CITY OF PHILADELPHIA - LAW DEPARTMENT BY: ADAM R. ZURBRIGGEN, ESQUIRE One Parkway Building 1515 Arch Street	7 JACLYN MATTEO-HAND, having 8 been duly sworn as a witness, was 9 examined and testified as follows
E-mail: keith@victimrecoverylaw.com * * * * * * CITY OF PHILADELPHIA - LAW DEPARTMENT BY: ADAM R. ZURBRIGGEN, ESQUIRE One Parkway Building	6 7 JACLYN MATTEO-HAND, having 8 been duly sworn as a witness, was 9 examined and testified as follows 10
E-mail: keith@victimrecoverylaw.com ***** CITY OF PHILADELPHIA - LAW DEPARTMENT BY: ADAM R. ZURBRIGGEN, ESQUIRE One Parkway Building 1515 Arch Street Philadelphia, PA 19102 Counsel for the Defendants Tel. 215-683-5114	6 7 JACLYN MATTEO-HAND, having 8 been duly sworn as a witness, was 9 examined and testified as follows 10 11 EXAMINATION
E-mail: keith@victimrecoverylaw.com ***** CITY OF PHILADELPHIA - LAW DEPARTMENT BY: ADAM R. ZURBRIGGEN, ESQUIRE One Parkway Building 1515 Arch Street Philadelphia, PA 19102 Counsel for the Defendants	7 JACLYN MATTEO-HAND, having 8 been duly sworn as a witness, was 9 examined and testified as follows 10 11 EXAMINATION 12
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E-mail: keith@victimrecoverylaw.com ***** CITY OF PHILADELPHIA - LAW DEPARTMENT BY: ADAM R. ZURBRIGGEN, ESQUIRE One Parkway Building 1515 Arch Street Philadelphia, PA 19102 Counsel for the Defendants Tel. 215-683-5114 E-mail: adam.zurbriggen@phila.gov ****** FIRST JUDICIAL DISTRICT OF PENNSYLVANIA DEPUTY COURT ADMINISTRATOR CHIEF - LEGAL SERVICES BY: ERIC J. ASSINI, ESQUIRE 369 City Hall Philadelphia, PA 19107 Counsel for the Witness, Jaclyn Matteo-Hand	7 JACLYN MATTEO-HAND, having 8 been duly sworn as a witness, was 9 examined and testified as follows 10 11 EXAMINATION 12 13 BY MR. WEST: 14 Q. Ms. Matteo-Hand, my name is Keith 15 West. I'm one of the attorneys who represents the 16 plaintiff in this action, a woman by the name of 17 Ms. Alvarado. My understanding is that you are 18 with the Probation and Parole Office; is that
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E-mail: keith@victimrecoverylaw.com ****** CITY OF PHILADELPHIA - LAW DEPARTMENT BY: ADAM R. ZURBRIGGEN, ESQUIRE One Parkway Building 1515 Arch Street Philadelphia, PA 19102 Counsel for the Defendants Tel. 215-683-5114 E-mail: adam.zurbriggen@phila.gov ****** FIRST JUDICIAL DISTRICT OF PENNSYLVANIA DEPUTY COURT ADMINISTRATOR CHIEF - LEGAL SERVICES BY: ERIC J. ASSINI, ESQUIRE 369 City Hall Philadelphia, PA 19107 Counsel for the Witness, Jaclyn Matteo-Hand Tel. 215-686-3745 E-mail: eric.assini@courts.phila.gov	5 JACLYN MATTEO-HAND, having 6 been duly sworn as a witness, was 9 examined and testified as follows 10 11 EXAMINATION 12 13 BY MR. WEST: 14 Q. Ms. Matteo-Hand, my name is Keith 15 West. I'm one of the attorneys who represents the 16 plaintiff in this action, a woman by the name of 17 Ms. Alvarado. My understanding is that you are 18 with the Probation and Parole Office; is that 19 right? 20 A. Yes. 21 Q. Could you tell us what is your
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E-mail: keith@victimrecoverylaw.com ***** CITY OF PHILADELPHIA - LAW DEPARTMENT BY: ADAM R. ZURBRIGGEN, ESQUIRE One Parkway Building 1515 Arch Street Philadelphia, PA 19102 Counsel for the Defendants Tel. 215-683-5114 E-mail: adam.zurbriggen@phila.gov ****** FIRST JUDICIAL DISTRICT OF PENNSYLVANIA DEPUTY COURT ADMINISTRATOR CHIEF - LEGAL SERVICES BY: ERIC J. ASSINI, ESQUIRE 369 City Hall Philadelphia, PA 19107 Counsel for the Witness, Jaclyn Matteo-Hand Tel. 215-686-3745 E-mail: eric.assini@courts.phila.gov ******	6 JACLYN MATTEO-HAND, having 8 been duly sworn as a witness, was 9 examined and testified as follows 10 11 EXAMINATION 12 13 BY MR. WEST: 14 Q. Ms. Matteo-Hand, my name is Keith 15 West. I'm one of the attorneys who represents the 16 plaintiff in this action, a woman by the name of 17 Ms. Alvarado. My understanding is that you are 18 with the Probation and Parole Office; is that 19 right? 20 A. Yes. 21 Q. Could you tell us what is your

1 (Pages 1 to 4)

Page 5 Page 7 1 1 I am working as house arrest release coordinator the City of Philadelphia, every time somebody is 2 2 placed under house arrest, that would mean at this point. 3 3 So as part of the house release somebody from the office would have actually gone Q. 4 coordinator, do you actually go to the house of 4 to that person's house and inspected the premises, 5 5 people who are put on probation and inspect the right? 6 6 house trying to make sure that it fits any sort of MR. ASSINI: Objection to form, but 7 7 criteria for release? you can answer to the extent --8 8 THE WITNESS: Yes. MR. ASSINI: Objection to the form, 9 but you can answer. 9 BY MR. WEST: 10 THE WITNESS: No, I do not. 10 Q. So let's -- I'm going to pull up 11 11 BY MR. WEST: here a document. I can represent this was 12 12 Q. Could you tell me what do you do as e-mailed to us earlier today. Then I'll ask you 13 13 if you know what it is. Can you guys see my the home coordinator? 14 I would get a contact sheet and 14 screen here? 15 15 court order from the attorney and the judge. I A. Yes. 16 would call them on the phone. We complete an 16 Q. So we're gonna mark this as 17 17 investigation. I complete an investigation on the Matteo-Hand Exhibit-1. And could you tell me what 18 computer. I hand it into our pretrial field team. 18 this is? 19 They would go out and install the equipment at the 19 A. This is a home investigation 20 residence. 20 interview, which I complete over the phone. 21 21 Q. So I think you referred to the Q. Okay. So you personally did this 22 people who would actually go out to the home 22 interview? 23 23 as -- it cut out a little bit. Something team? A. Yes. 2.4 Pretrial field team. 24 Q. I tried to use TrialPad and it Page 6 Page 8 1 1 wouldn't work. So I gotta do something else here. Could you tell me a bit more about 2 2 the pretrial field team; what is that? I think this might be the same thing. 3 They install house arrest equipment 3 So I'm circling part of it in 4 4 in the residence. yellow and this says interview completed with 5 5 Now, is that something that needs Sheila Washington - mother. Is that the person Q. 6 6 to be done for all probations or some probations? that you spoke with? 7 7 MR. ASSINI: Objection to the form, A. According to my notes, yes. 8 8 but you can answer. I'm just going down here. The 9 9 THE WITNESS: Just house arrest address, I'm gonna mark that in yellow as well. 10 10 cases, that are sentenced to house That says 4664 Torresdale Avenue, rear apartment, 11 11 arrest. two floors, and then it says go up alleyway to 12 12 knock on door, right? BY MR. WEST: 13 13 Q. So this case involves someone named A. Yes. 14 14 Was he put on house arrest? Q. Did you write that? 15 15 A. Yes. A. 16 16 How would you have gotten the And for every person who's placed 17 under house arrest, would there need to be some 17 information on what the address was? 18 people from the pretrial field team who go out and 18 A. When I spoke to his mother. 19 19 inspect their house? So your understanding, based on 20 2.0 MR. ASSINI: Objection to form. your notes, is that you spoke with his mother who 21 21 You can answer. represented that she lived in the same apartment 22 THE WITNESS: Yes. 22 and she told you that the entrance to their 23 BY MR. WEST: 23 apartment was in the alleyway, correct? 24 24 So not to beat a dead horse, but in A. Yes.

2 (Pages 5 to 8)

	Page 9	Page 11
1	Q. Is there anything else in	¹ supervising this case?
2	particular that you recall about that	2 A. No.
3	conversation?	³ Q. Who was your supervisor back in
4	A. No.	4 June 2021?
5	Q. Okay. Do you know approximately	⁵ A. Duane Archie, D-U-A-N-E, Archie,
6	when this conversation would have happened? I see	6 A-R-C-H-I-E.
7	also it's dated September 25th, this year, but I	⁷ Q. In your experience working for the
8	assume that's just when you printed it out, right?	8 First Judicial District, have you ever been
9	A. Correct. It was completed on April	9 contacted by anybody from the police department
10	25th, 2019.	asking for advice as far as how someone on
11	Q. Okay, in April 2019. Now, our	probation or parole could be located?
12	lawsuit, that this case is about, is an incident	MR. ASSINI: Objection to form.
13	that occurred in 2021. Did anyone from the	You can answer.
14	Philadelphia Police Department ever contact you	14 THE WITNESS: No, not that I
15	asking for information about how to get to	15 recall.
16	homes?	¹⁶ BY MR. WEST:
17	A. No.	Q. Okay. Would the police normally
18	Q. If anybody from the Philadelphia	contact somebody in a different position in your
19	Police Department had contacted you asking for	19 experience?
20		MR. ASSINI: Objection to form.
21		You can answer.
22	you have referred to these notes and let them know	MR. ZURBRIGGEN: Joining in the
23	that your records indicated that the entrance was	23 objection.
24	through the alleyway?	THE WITNESS: I'm not sure.
24	MR. ASSINI: Objection to form.	
	Page 10	Page 12
1	You can answer.	1 BY MR. WEST:
1 2	You can answer. THE WITNESS: I'm not sure. I	 BY MR. WEST: Q. Could you tell me a bit more about
2	THE WITNESS: I'm not sure. I	Q. Could you tell me a bit more about
2	THE WITNESS: I'm not sure. I wasn't in that position and I would	Q. Could you tell me a bit more about your like what were your job duties and
2 3 4	THE WITNESS: I'm not sure. I wasn't in that position and I would most likely need to ask my supervisor if	Q. Could you tell me a bit more about your like what were your job duties and responsibilities back in June 2021?
2 3 4 5	THE WITNESS: I'm not sure. I wasn't in that position and I would most likely need to ask my supervisor if we're able to give that information.	Q. Could you tell me a bit more about your like what were your job duties and responsibilities back in June 2021? A. I was doing the same thing with the
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3 (Pages 9 to 12)

	Page 13	Page 15
1	You can answer.	1 someone?
2	THE WITNESS: To get all the	² A. Yes.
3	information to get defendants placed on	³ Q. Who did you submit it to?
4	house arrest.	4 A. The pretrial field team.
5	BY MR. WEST:	5 Q. Okay. And they also would have
6	Q. Who would use that information, in	6 passed that along to the probation officer, right?
7	your experience?	7 MR. ASSINI: Objection to the form.
8	MR. ASSINI: Objection to form.	8 You can answer, if you know.
9	You can answer.	9 MR. ZURBRIGGEN: Joining in the
10	THE WITNESS: The pretrial field	10 objection.
11	team uses it, probation officers use	11 THE WITNESS: I passed it along to
12	it.	the house arrest officer.
13	BY MR. WEST:	13 BY MR. WEST:
14	Q. So would the information that	Q. I can represent that, as of June
15	you've written down in this exhibit be available	still had a probation officer.
16	to the probation officer?	16 Would it be your understanding or expectation that
17	A. Yes.	the probation officer would have had documents
18	Q. So in theory, if someone at the	like this in her possession, or access to it?
19	strike the question.	19 A. I'm not sure.
20	In your experience, the way that	Q. In your experience, has there ever
21	the probation parole office is set up in the First	been a situation where the Philadelphia Police
22	Judicial District, if somebody were to ask the	22 Department contacted the office that you work for
23	probation officer what records there where as far	23 asking for information about a wanted suspect and
24	as where lived, is it your experience	24 a supervisor at your office said don't talk to the
	-	a supervisor at your office said don't talk to the
	Page 14	Page 16
1	that the probation officer could have looked at	1 police?
1 2	that the probation officer could have looked at documents like this if they wanted to find an	 police? MR. ASSINI: Objection to the form.
	<u> </u>	MR. ASSINI: Objection to the form. You can answer to what you know.
2	documents like this if they wanted to find an	MR. ASSINI: Objection to the form. You can answer to what you know. THE WITNESS: I've never spoken to
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4 (Pages 13 to 16)

	Page 17		Page 19
1	BY MR. WEST:	1	we put all of our notes in.
2	Q. Okay. Do you know if this document	2	Q. Is this something that the
3	was saved in probation folder?	3	probation officer would normally have access to?
4	MR. ASSINI: Objection to the form,	4	A. Yes.
5	but you can answer to the extent you	5	Q. I can represent to you this is for
6	understand the question.	6	I don't know if you can see that,
7	THE WITNESS: It may have been. I	7	but it says on it, okay. This was
8	can't say for sure.	8	produced to us by Ms. Shannon, the probation
9	BY MR. WEST:	9	officer, when she was deposed earlier. I'll just
10	Q. Is that could you look up that	10	scroll down here to I highlighted something. I
11	folder now and check if it's in there?	11	don't know why the highlighting is not showing up.
12	A. Can I?	12	So I'll just do it again. I apologize. I
13	Q. Yeah.	13	premarked this, but it didn't come through for
14	MR. ASSINI: Not from here. We're	14	some reason. So I will use a highlighting tool.
15	in my office and I don't have access	15	Can you see that I've highlighted
16	to that.	16	part of this page?
17	BY MR. WEST:	17	A. Yes.
18	Q. Okay. But is that something you	18	Q. It says April 26th, 2019,
19	would normally have access to?	19	completed, and it says Matteo J. Is that you?
20	A. Yes, if I was at my office, sure.	20	A. Yes.
21	Q. Based on your understanding of the	21	Q. And it says author. Does that mean
22	policies and practices of your employer, would	22	that you wrote this?
23	there be any reason why this document wouldn't be	23	A. Yes.
24	in his probation folder?	24	Q. And it says field team installed
	in his production rotate.		Q. This it says note tour instance
	Page 18		Page 20
1	MR. ASSINI: Objection to the form,	1	PHMU. Can you tell us what PHMU would stand for
2	but you can answer to the extent you	2	in this context?
3	know.	3	A. Sure. It's the house arrest box.
4	THE WITNESS: I guess it should	4	Q. And it says location: second floor
5	have been. I don't really know. I	5	apartment, rear entrance off Margaret Street,
6	didn't have the file.	6	right?
7	MR. WEST: All right. Let me	7	A. Yes.
8	I'm gonna stop sharing for just a moment	8	Q. So is this you memorializing that
9	to pull up another document. Can you	9	so that everyone in your office would know that
10	guys see the document I'm sharing?	10	the entrance to Mr. apartment was off
11	MR. ASSINI: Yes.	11	Margaret Street?
12	BY MR. WEST:	12	MR. ASSINI: Objection to form.
13	Q. So this document has been	13	You can answer.
14	previously marked as Shannon Exhibit-1. We're	14	THE WITNESS: Yes. This was copied
15	also gonna mark the same document as Matteo-Hand	15	from pretrial field team notes and put
16	Exhibit-2. Just for the record, it says Client	16	into our notes so everyone would know.
17	File Notes at the top. Do you recognize what this	17	BY MR. WEST:
18	is generally? Is this the kind of document you've	18	Q. So any of the people involved with
19	seen before?	19	case at the probation office, if
20	A. Yes.	20	they were contacted and asked hey, do you have any
	Q. Can you tell me, in your	21	information on how to get into
21			
21 22	experience, generally what are documents like this	22	apartment, they could have pulled this up and
21		22 23 24	apartment, they could have pulled this up and said, yeah, you gotta go in the rear entrance off Margaret Street, right?

5 (Pages 17 to 20)

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	Page 21		Page 23
1	MR. ASSINI: Objection to the form.	1	Q. Is there anything else at this time
2	You can answer.	2	that you recall about the case? Did
3	MR. ZURBRIGGEN: I'm joining in the	3	you ever have any unusual interactions with him,
4	objection.	4	maybe not the police, but anyone else? Is there
5	THE WITNESS: Yes.	5	anything else that you recall at this time about
6	BY MR. WEST:	6	the case?
7	Q. I understand that you personally	7	A. No.
8	haven't had the experience of speaking with	8	Q. I think you indicated he was off
9	anybody from the police department about how to	9	house arrest at some point. Do you know when he
10	find a suspect who's on probation, but I'm just	10	would have been off house arrest?
11	asking generally, in your experience, do you know	11	A. He actually absconded in July of
12	if the police contact other people in your office	12	2019.
13	to ask for that kind of information?	13	Q. Can you tell me more about that?
14	A. They could, I guess. I don't know	14	A. He absconded. So he left. I'm not
15	of any.	15	sure if he cut off his bracelet or whatever, but
16	Q. I don't know what kind of briefing	16	he was no longer reporting. We didn't know where
17	you might get from you're employer. So you're not	17	he was. There was a warrant out for him.
18	really aware if the probation officers are asked	18	Q. So between July of 2019 and up
19	that sort of question or not?	19	until at least June of 2021, from your office's
20	MR. ASSINI: Objection.	20	point of view, was whereabouts
21		21	unknown?
22	THE WITNESS: No. Sorry.	22	
23	MR. WEST: That's fine.	23	MR. ASSINI: October to the form,
24	BY MR. WEST:	24	but you can answer to the extent you
21	Q. Is there any policy in your office,		can.
	Page 22		Page 24
1	that you're aware of, that would give anyone any	1	THE WITNESS: To my knowledge,
2	reason to believe that supervisors in your office	2	eventually he was found, yes.
3	would ever instruct anybody in your office, you	3	BY MR. WEST:
4	know, hey, don't tell the police where these guys	4	Q. Can you tell me about when he was
5	are?	5	found?
_			Tound?
6	MR. ASSINI: Objection to the form.	6	A. May of 2020.
6 7	MR. ASSINI: Objection to the form. You can answer.	6 7	
	•		A. May of 2020.
7	You can answer.	7	A. May of 2020.Q. And where was he found?
7 8	You can answer. THE WITNESS: Not in my	7 8	A. May of 2020.Q. And where was he found?A. That I do not know.
7 8 9	You can answer. THE WITNESS: Not in my recollection. I would need to review	7 8 9	A. May of 2020.Q. And where was he found?A. That I do not know.Q. Once he was found, was he taken
7 8 9 10	You can answer. THE WITNESS: Not in my recollection. I would need to review policy. MR. ZURBRIGGEN: I'm joining in the objection, just for the record.	7 8 9 10	 A. May of 2020. Q. And where was he found? A. That I do not know. Q. Once he was found, was he taken back to prison, jail, was he put back on house
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6 (Pages 21 to 24)

	Page 25		Page 27
1	notes.	1	Q. Just the last question. So the two
2	Q. Okay.	2	exhibits that we've looked at, these are things
3	A. He was not on house arrest. He was	3	that, in your experience, would have been
4	I assume he was reporting to a probation	4	available back in June 2020, correct?
5	officer.	5	A. Yes.
6	MR. ASSINI: Do you know that for	6	MR. WEST: I have no further
7	sure?	7	questions for you. Thank you for taking
8	THE WITNESS: No, I don't know that	8	a little bit of your time.
9	for sure. I didn't read every note. I	9	THE WITNESS: Thank you.
10	•	10	MR. ZURBRIGGEN: I have no
11	just read my part of the notes. BY MR. WEST:	11	questions for you. I just need to
		12	designate on the record those portions
12	Q. So as of June 2021, is it your	13	of this deposition mentioning
13	understanding that was under probation	14	name be designated confidential
14	and was supposed to be reporting to a probation	15	pursuant to the protective order.
15	officer?	16	MR. WEST: I have no objection to
16	A. June of I believe so, yes.	17	that.
17	Q. I don't want to take up more of	18	MR. ZURBRIGGEN: Thank you very
18	your time and this is a little bit outside, but I	19	much for your time.
19	think I have to ask the question in case I'm	20	•
20	missing something.	21	MR. ASSINI: I just have brief questions.
21	To me it seems a little strange	22	questions.
22	that he would be on house arrest, abscond, and	23	EXAMINATION
23	then be released to what seems like a lower level	24	EXAMINATION
24	of supervision. Do you have any insight in the	24	
	Page 26		Page 28
1	records of why that might have been?	1	
			BY MR ASSINI:
2		2	BY MR. ASSINI: O. Do you have any independent memory
2	MR. ASSINI: Objection to form, but	2 3	Q. Do you have any independent memory
	MR. ASSINI: Objection to form, but you can if you have any insight.		Q. Do you have any independent memory of
3	MR. ASSINI: Objection to form, but you can if you have any insight. THE WITNESS: I'm gonna say it was	3	Q. Do you have any independent memory of A. No.
3 4	MR. ASSINI: Objection to form, but you can if you have any insight. THE WITNESS: I'm gonna say it was COVID.	3 4	Q. Do you have any independent memory of A. No. Q. So your memory is based off of your
3 4 5	MR. ASSINI: Objection to form, but you can if you have any insight. THE WITNESS: I'm gonna say it was COVID. BY MR. WEST:	3 4 5	Q. Do you have any independent memory of A. No. Q. So your memory is based off of your review of the file notes that are offered as an
3 4 5 6	MR. ASSINI: Objection to form, but you can — if you have any insight. THE WITNESS: I'm gonna say it was COVID. BY MR. WEST: Q. Okay. They just didn't have a lot	3 4 5	Q. Do you have any independent memory of A. No. Q. So your memory is based off of your review of the file notes that are offered as an exhibit and the report also offered as an exhibit
3 4 5 6 7	MR. ASSINI: Objection to form, but you can if you have any insight. THE WITNESS: I'm gonna say it was COVID. BY MR. WEST: Q. Okay. They just didn't have a lot of room in jail, right, probably? I mean we're	3 4 5 6 7	Q. Do you have any independent memory of A. No. Q. So your memory is based off of your review of the file notes that are offered as an exhibit and the report also offered as an exhibit today?
3 4 5 6 7 8	MR. ASSINI: Objection to form, but you can if you have any insight. THE WITNESS: I'm gonna say it was COVID. BY MR. WEST: Q. Okay. They just didn't have a lot of room in jail, right, probably? I mean we're guessing.	3 4 5 6 7 8	Q. Do you have any independent memory of A. No. Q. So your memory is based off of your review of the file notes that are offered as an exhibit and the report also offered as an exhibit today? A. Absolutely.
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1	rage 25
2	CERTIFICATION
3	CERTIFICATION
4	I, DAWN M. BURR, hereby certify
5	that the foregoing is a true and correct
6	transcript transcribed from the stenographic notes
7	taken by me on Wednesday, September 27, 2023.
8	
9	
10	Dawn Dawn
11	DAWN M. BURR
12	Shorthand Reporter
13 14	(TTL's and Continued and another
15	(This certification does not apply to any reproduction of this transcript, unless
16	under the direct supervision of the certifying
17	reporter.)
18	reporter.)
19	
20	
21	
22	
23	
24	
	Page 30
1	ACKNOWLEDGEMENT OF DEPONENT
2	I, JACLYN MATTEO-HAND, do hereby
3	certify that I have read the foregoing pages,
4	, and that the same is a correct
5 6	transcript of the answers given by me to the questions therein propounded, except for the
7	corrections or changes in form or substance, if
8	any, noted in the attached Errata Sheet.
9	<u> </u>
0	DATE SIGNATURE
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1	ERRATA
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20	SUBSCRIBED AND SWORN TO BEFORE ME THIS
21 22	
	Notary Public
23	10000, 10000
24	

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EXHIBIT "G"

Transcript of the Testimony of: **Patrick Officer Saba**

Date: May 16, 2023

Case: Alvarado v. City of Philadelphia Police Dept., et al

Diamond Court Reporting Phone: 856-589-1107

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IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY, PENNSYLVANIA

- - -

FELISHATAY ALVARADO : JUNE TERM, 2022

:

VS.

:

CITY OF PHILADELPHIA POLICE

DEPARTMENT, et al. : NO. 1633

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TUESDAY, MAY 16, 2023

- - -

Videotaped Oral Deposition of
OFFICER PATRICK SABA, taken at Victims' Recovery
Law Center, 121 South Broad Street, 17th Floor,
Philadelphia, Pennsylvania, 19107, commencing at
10:00 a.m., before Denise Weller, a Professional
Shorthand Reporter and Notary Public in and for
the Commonwealth of Pennsylvania.

- - -

DIAMOND COURT REPORTING
406 Redbud Lane
Mantua, New Jersey 08051
(856) 589-1107
dcr.diamond@comcast.net

		Page 2	Page 4	Ŀ
1	APPEARANCES:		1	
2			2 PROCEEDINGS	
3	VICTIMS' RECOVERY LAW CENTE		3	
4	BY: KEITH THOMAS WEST, ESQUI 121 South Broad Street	KE	4 (It is hereby stipulated and agreed	
_	18th Floor			
5	Philadelphia, PA 19107 (215) 546-1433		by and among counser that signing, seaming,	
6	Keith@victimrecoverylaw.com		Thing and certification are warved, and	
7	Attorney for the Plaintiff		7 that all objections, except as to the form	
8	CITY OF PHILADELPHIA		8 of the questions, are reserved until the	
	BY: ADAM ZURBRIGGEN, ESQUIR	Е	9 time of trial.)	
9	Law Department 1515 Arch Street		10	
10	14th Floor		MR. WEST: We agree that what we	
1.1	Philadelphia, PA 19102		usually call the stipulations that you can	
11	(215) 683-5114 Adam.zurbriggen@phila.gov		reserve all objections except as to the form	
12	Attorney for the Defendants		14 until the time of trial.	
13	ALGO DREGENE		15 MR. ZURBRIGGEN: Okay. That's fine.	
14	ALSO PRESENT: Samantha DiBona, Video Operator		MR. WEST: That's what you	
1			understand is the usual stipulations, right?	
15 16			MR. ZURBRIGGEN: Yes. I'm happy to	
17			waive the reading and signing.	
18			THE VIDEO OPERATOR: This is the	
19 20			21 audio/video deposition for use at trial in	
21			the matter of Felishatay Alvarado v. The	
22 23			23 City of Philadelphia, et al, GD number	
24			-	
			24 22-3763. And I'm the video operator. My	
		Page 3	Page 5	5
1	INDEX		name is Samantha DiBona and I am employed by	
2			the Victims' Recovery Law Center. My	
3	WITNESS PA	AGE	address is 121 South Broad Street, 18th	
4	OFFICER PATRICK SABA		⁴ Floor, Philadelphia, Pennsylvania, 19107.	
5	By Mr. West 5,	65	⁵ Today's date is May 16th, 2023 at 10:02 a.m.	
6	•	62	6 This deposition is being performed	
7	By IVII. Zereriggen	0 2	7 in person. The caption in this case is	
8			8 Alvarado v. City of Philadelphia, et al, GD	
9			9 number 22-3763. The witness being deposed	
10			today is Officer Patrick Saba. This	
11	EXHIBITS		deposition is being taken on behalf of the	
12	NO. DESCRIPTION	PAGE	12 Plaintiff Felishatay Alvarado. The officer	
13	NO. DESCRIPTION	1 AUE	taking this deposition is Denise Weller and	
14	1 Diam 11		taking this deposition is Define weiter and she shall swear in the witness at this time.	
15	1 Diagram 11		sile shan swear in the witness at this time.	
	2 Photograph 41			
16	Recon Sheet 48	5	OTTICER TATTRICTS IN I, utter naving	
17			been first duly sworn, was examined and	
18			18 testified as follows:	
19			19	
20			20 EXAMINATION	
21			21	
22			22 BY MR. WEST:	
23			Q. Officer Saba, my name is Keith West. I	
24			am one of the attorneys representing Ms. Alvarado	
I				

2 (Pages 2 to 5)

Page 6 Page 8 1 1 in this case. And you're here represented by all pause and don't speak at the same time, okay? 2 2 Counsel. You have had a chance to confer with him A. Okay. 3 and you're prepared to testify today, correct? 3 Q. Likewise, all of our responses have to be 4 A. Yes. 4 spoken. So nods of the head, things we normally 5 5 do in a conversation won't get on the record. Q. All right. Just a couple of preliminary 6 6 questions we always have to ask. Don't read A. Of course. 7 anything into it. Are you under the influence of Q. So you have to make sure everything is 8 8 any sort of medication, substance, illness, spoken out loud, okay? 9 anything that would impair your ability to testify 9 A. Sure. 10 10 truthfully today? Q. As your attorney, I am sure has advised 11 11 A. No. you, your only obligation is to just give truthful 12 12 Q. And have you ever actually been in a testimony based on your personal information. So 13 deposition before? 13 I am not going to ask you to guess or speculate. 14 A. Yes, it's been a while. 14 A. Okay. 15 15 Q. Okay. How many times have you been Q. Just tell me what you know, okay? 16 deposed previously? 16 A. Okay. 17 17 A. I believe it was only twice. But I can Q. Now, one area that we usually advise 18 be off with the numbers. 18 people is that if you are able to give an estimate 19 Q. Okay. Could you just generally tell me 19 or approximation, that is something that we would 20 what the prior depositions were about and give me 20 like to hear from you. Just let us know what 21 21 an approximation of when they occurred, if that's you're giving an estimate or approximation. 22 possible? 22 A. Okay. 23 23 A. They were for auto accidents. And Q. Example, it's a boring example, but we 24 probably 10 plus years ago. 24 always say if I was to ask you how many feet it is Page 7 Page 9 1 1 Q. Okay. And were these auto accidents that to the wall, you're not a robot. I don't think 2 2 you were somehow a witness to in your private you can eyeball it and tell me to the inch exactly 3 capacity or were these related to being a member 3 how far it is, right? 4 of the Philadelphia Police Department? 4 A. Gotcha. Okay. 5 5 A. Just a member of the department. Q. But in your job, I bet you normally give 6 6 Q. Okay. They were both auto accidents? estimates like that, right? However, say somebody 7 7 A. Yes. grows up in France, only knows the metric system, 8 8 Q. Were you the victim in these auto I am not asking them to guess how long a foot or 9 9 accidents or -an inch is if they don't know. 10 10 A. Yes. A. No. I would have been the officer taking 11 11 the report. Q. You understand the difference, right? 12 12 Q. Okay. So you're there as a witness? A. Yeah. Definitely, yes. 13 A. Yes. 13 Q. Beyond that, this is not intended to be 14 14 Q. All right. Well, your attorney probably an unnecessarily uncomfortable thing, this isn't 15 15 explained how the format is. Just to give a an interrogation. So if you need a break at any 16 general over ground, this in many ways may feel 16 time, you want a cup of coffee or something, just like a normal conversation, which is good. We 17 17 let us know. We will try to be as accommodating 18 just have to remember that the court reporter 18 as possible. Any questions I ask you, the 19 19 assumption is that you understand it before you needs to write down what we are saying all of the 2.0 2.0 time. answer it. 21 21 A. Sure. A. Okay. 22 22 Q. So you're already doing it. Just make Q. So if you need me to rephrase a question, 23 23 speak louder, anything like that, just let us know sure we don't speak at the same time. Say your 24 24 and we will, if possible, try to restate or attorney wants to put something on the record, we

3 (Pages 6 to 9)

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Page 10 Page 12 1 1 rephrase the question, okay? Q. Sir, I would ask you to take a moment to 2 2 A. Okay. look that over, review it. And let me know when 3 3 Q. All right, sir. Do you recall an you're prepared to continue. 4 incident -- basically, do you recall the incident 4 A. Okay. 5 that this case is about, where some members of the 5 Q. All right, sir. Do you recognize what 6 6 SWAT team went into Ms. Alvarado's house and I this is a diagram of? 7 7 guess her dog was killed. A. Yes. 8 8 Do you recall this incident? Q. Okay. Tell me what this is a diagram of. 9 A. It's pretty vague, because it's been 9 A. This would be a diagram of the living 10 10 quite some time. But I know that it was just quarters for Torresdale Avenue. 11 11 based off of the information that I saw, it was Q. Okay. Is it fair to state that this is a 12 12 June of 2021. diagram of Ms. Alvarado's apartment? 13 13 Q. Okay. But sitting here today, do you A. I don't -- I don't exactly remember the 14 actually recall the incident in June 2021 at all? 14 placement of everything that is on this diagram. 15 15 A. Some of it, yes. But it would be fair to say that this is pretty 16 Q. All right. So what do you recall? Tell 16 close. 17 17 me whatever you can remember about it. Q. Okay. To the best of your understanding, 18 A. I do remember Officer Song discharging at 18 is this consistent with Ms. Alvarado's apartment? 19 a dog. 19 MR. ZURBRIGGEN: Object to form. 20 Q. Okay. 20 Officer, you can answer. 21 21 A. It would be -- I guess it would have been THE WITNESS: To my knowledge, yes, 22 the living room area of the property. 22 it would be fair to say. Yes. 23 23 Q. Okay. Did you actually see Officer Song BY MR. WEST: 24 shoot the dog or do you just remember that it 24 Q. Okay. Let me ask you the question this Page 11 Page 13 1 1 happened? way. Do you recall at any point back in the 2 2 A. No, I didn't see him shoot the dog. incident in June 2021 entering Ms. Alvarado's 3 Q. Okay. And could you see what Officer 3 apartment? 4 Song was doing immediately before he discharged 4 A. Yes. 5 his firearm? 5 Q. Okay. And is there anything that you can 6 6 A. No. Immediately before Officer Song recall about the layout of her apartment, whatever 7 7 discharged, I had already passed Officer Song. So you found inside of her apartment that is 8 8 he was -- he would have been off behind me and to inconsistent with this diagram? 9 9 my left. A. I don't remember this table being in the 10 10 Q. Sure. Actually, I have -- I have a center of the room. But again, I don't remember 11 11 diagram that I will put on the record was provided if everything on this was exactly placed here. 12 to me by the Defendant's in this case. It's Bates 12 But I wouldn't be able to say that it wasn't there 13 13 stamped as D000137. either. 14 14 MR. WEST: And if there's no Q. So is it your recollection today that you 15 15 objection from Defense Counsel, we will mark don't remember there being a table? Is it your 16 this as Exhibit 1 for today's deposition. 16 sense --17 MR. ZURBRIGGEN: No objection. 17 A. I don't remember there being a table, no. 18 MR. WEST: So I will give you a 18 Q. Right. So is it your sense that this 19 19 area was kind of -copy. 2.0 2.0 A. Yes. 21 21 (Whereupon, Exhibit 1 was marked for Q. It seems obvious to us now, but when 22 22 identification.) someone is reading the record in a year it might 23 23 be more complicated. Would you mind just 24 24 BY MR. WEST: highlighting with this pink highlighter the table?

Page 14 Page 16 1 1 A. Sure. (Witness complies.) because the dog was biting at him. 2 2 Q. All right. And do you recall there being BY MR. WEST: 3 3 Q. Did you actually see a dog bite Officer a dog crate? 4 4 A. I don't recall a dog crate. 5 5 A. The dog -- when I initially saw the dog Q. Okay. All right. So could you -- I will 6 attacking Officer Song, he was attacking the back 6 give you a blue pen. Could you mark here -- let's 7 7 of Officer Song's legs. see. You and Officer Song have the same last 8 Q. Okay. But did you actually see the 8 initial. So what is the best way to put it? 9 dog -- the dog bite Officer Song? 9 Maybe if you could just do an M for me. 10 A. No. 10 A. Okay. 11 Q. Okay. All right. How did you end up in 11 Q. Could you mark to the best of memory an M 12 Ms. Alvarado's apartment that day? 12 for where you believe that you were located and 13 A. We were serving a warrant for homicide. 13 where -- and an S for where you believe Officer 14 It was an arrest and search warrant for homicide Song was located at the time that Officer Song's 14 15 at this location. 15 firearm was discharged? 16 Q. Okay. Now, is it your understanding 16 A. Okay. So S for where Officer Song was at 17 today that the warrant that you were executing 17 when he discharged and an M for me where I was at 18 actually authorized you to be inside of Ms. 18 when he discharged? 19 Alvarado's apartment? 19 Q. Yes. 20 MR. ZURBRIGGEN: Object to form. 20 A. Okay. So I -- I believe I was right 21 But Officer, you can answer. 21 here. And Officer Song was somewhere 22 THE WITNESS: To the best of my 22 approximately within this area right here. 23 knowledge, this warrant was for a male that 23 Q. All right. And then could you point an 24 was in the second floor rear apartment of 24 arrow pointing in the direction of where your Page 15 Page 17 1 1 eyesight was focused? this -- of this property. I believe it was 2 2 A. You want me to indicate an arrow like 6446 Torresdale. 3 which way I was looking? 3 BY MR. WEST: 4 4 Q. Right. So basically you were looking Q. Uh-huh. 5 away from the direction of Officer Song at the 5 A. Yes. 6 6 Q. Okay. So on the date of the incident, time, correct? 7 7 A. Yes. you were attempting -- you and the other officers 8 8 O. Okay. were attempting to execute a warrant that you 9 9 MR. ZURBRIGGEN: Keith, just for understood authorized you to be in the second 10 10 clarification, is this the point at which he floor rear apartment? 11 11 fired? A. Uh-huh. 12 12 MR. WEST: Yes. Q. Of the building, correct? 13 MR. ZURBRIGGEN: Okay. Thank you. 13 A. Yes. 14 14 BY MR. WEST: Q. Okay. And to your knowledge, did Ms. 15 Q. And -- okay. All right. That takes care 15 Alvarado live in the second floor rear apartment? 16 16 of that. 17 Do you -- do you know why Officer Song 17 Q. All right. Is it fair to say that she 18 discharged his firearm? 18 lived in apartment number one on the first floor, 19 19 A. Do I know why Officer Song discharged his correct? 2.0 2.0 firearm? A. Yes. 21 21 Q. Yes. Q. Okay. Did you believe prior to entering 22 22 MR. ZURBRIGGEN: Object to form. Ms. Alvarado's home that the warrant for the 23 23 But Officer, you can answer. second floor rear apartment legally entitled you 24 THE WITNESS: It would have been 24 to enter apartment number one on the first floor?

Page 18 Page 20 1 1 MR. ZURBRIGGEN: Object to form. information saying that this door led only 2 2 Officer, you can answer. to the first floor apartment, then we would 3 THE WITNESS: So there was no 3 not have been legally able to enter. 4 indication on the front door that this was 4 BY MR. WEST: 5 apartment one only. 5 Q. Okay. 6 BY MR. WEST: 6 A. But I will also indicate that on the 7 Q. I understand. That is a separate issue. 7 front of the property there were two mailboxes. 8 I'm just asking -- if you can just answer the 8 Q. Uh-huh. All right, sir. Did you hear 9 question I am asking. 9 the dog barking before the door was breached? 10 Did you -- was it your understanding that 10 A. I did not. 11 the warrant for the second floor rear apartment 11 Q. Do you know if the dog was barking before 12 gave you a legal right to enter apartment number 12 the door was breached? 13 one on the first floor where Ms. Alvarado lived? 13 MR. ZURBRIGGEN: Object to form. 14 MR. ZURBRIGGEN: Object to form. 14 Officer, you can answer. 15 But Officer, you can answer. 15 THE WITNESS: I don't recall, no. 16 THE WITNESS: I will answer the 16 BY MR. WEST: 17 same. There was no indication that this 17 Q. Okay. So could you explain to me at the 18 front door was apartment one only. It would 18 time that the door was breached, where were you 19 lead any reasonable person to believe that 19 physically standing? 20 this front door may have led to or more than 20 A. I would have been -- I would have been 21 likely led to two different doors which 21 six officers back from the front door. So I 22 would have been your client's door and the 22 was -- I would say I was approximately 20 to 25 23 second floor door. 23 feet away from the front door. 24 BY MR. WEST: 24 Q. Okay. All right. I will try to make --Page 19 Page 21 1 Q. Sure. So if you had known that the door 1 just from my notes I have written down here one 2 on the first floor led directly into apartment through six. 3 number one, would you believe that the warrant 3 A. Uh-huh. 4 legally authorized you to open that door? 4 Q. So I will put -- I will put you for six. 5 5 A. No. A. Uh-huh. 6 6 MR. ZURBRIGGEN: Object to form. Q. And who do you believe was the nearest to 7 7 But Officer, you can answer. the door at the time that this -- make sure we are 8 8 THE WITNESS: No. I will answer no. on the same page, at the time the door was 9 9 BY MR. WEST: breached? 10 10 Q. Okay. And could you clarify when you say A. Sure. It would have been our two 11 11 breachers were the first -- were the first two at no, what do you mean? 12 12 the door. A. If there was an indication on this front 13 13 door that this was apartment one only, we would O. Uh-huh. 14 14 not be able to legally enter the property without A. So that would have been I believe it was 15 15 Officer Murray and Officer Clark. further information indicating where the entry 16 would be or where the stairwell would be to get to 16 Q. Okay. And who do you believe was number 17 the second floor. 17 three? 18 18 Q. Okay. But you understood even back in A. Number three would have been Officer 19 19 June 2021 that if that door led directly into Ms. Song. 20 2.0 Alvarado's apartment, it was illegal for you to Q. Okay. 21 21 walk through that door, correct? A. Then it would have been Officer Hamoy, 22 22 H-A-M-O-Y. And then Lieutenant Monk, M-O-N-K. MR. ZURBRIGGEN: Object to form. 23 23 Q. Okay. All right. And of these six Officer, you can answer. 24 24 THE WITNESS: If there was people, did anyone have any like command or

Page 22 Page 24 1 1 supervision over the other officers? Officer, you can answer. 2 2 A. Lieutenant Monk. THE WITNESS: Repeat the question. 3 O. Lieutenant Monk did. correct? 3 BY MR. WEST: 4 4 Q. If you had known that there was a rear 5 Q. Okay. All right. Did you see anyone 5 entrance, do you think that may have affected your 6 knock on the front door before the door was 6 understanding of what door was the way to get into 7 breached? 7 the rear apartment? 8 A. I didn't see anyone. But you know, we 8 MR. ZURBRIGGEN: Object to form. 9 knock and announce with, you know, a loud 9 Officer, you can answer. 10 boisterous, you know, just to let somebody know 10 THE WITNESS: All properties have 11 that we are there for a warrant. 11 rear entrances. So it would be hard to know 12 Q. I understand that it's your understanding 12 whether that rear entrance went straight up 13 that under the policies and procedures there's 13 to second floor, unless you were actually 14 supposed to be a knock before the door is 14 inside the property. 15 breached, correct? 15 BY MR. WEST: 16 A. Sure. 16 Q. Okay. How long -- you're on the SWAT 17 Q. But is it your testimony that you have no 17 team, right? 18 specific recollection of seeing anyone knock that 18 A. Yes. 19 day? 19 Q. So when did you first join the 20 A. I wouldn't have been able to see the 20 Philadelphia Police Department? 21 front door, because it was set back off of the 21 A. 2006; November 2006. 22 property. There was -- it was kind of like -- I 22 Q. And when you first joined the 23 guess surrounded by the foundation of the 23 Philadelphia Police Department, what was your 24 property. So the door is actually set back a 24 title? Page 23 Page 25 1 little bit. 1 A. Patrol officer. 2 2 Q. Patrol officer. Had you ever been in law Q. Okay. Prior to the door being breached, 3 did you personally know whether or not there was a 3 enforcement prior to joining the Philadelphia 4 4 Police Department? rear entrance to the building? 5 5 A. Any property would have a rear A. No. 6 6 exit/entry. All properties have a rear Q. At some point you joined the SWAT team? 7 7 exit/entry. A. Yes. 8 8 O. When was that? Q. My question is, did you personally know 9 9 whether or not the property had a rear entrance at A. December 2018. 10 10 the time before the door was breached? Q. All right. And when you joined the SWAT 11 11 A. No. team, did you receive any additional SWAT team 12 12 training? Q. You did not know that? 13 13 A. No. A. Yes. 14 14 Q. Okay. You were aware that the warrant Q. As far as you're aware, you received all 15 15 SWAT team training offered by the Philadelphia was only valid for the rear apartment, correct? 16 MR. ZURBRIGGEN: Object to form. 16 Police Department in order to be a member of the 17 Officer, you can answer. 17 SWAT team as of June 2021? 18 18 THE WITNESS: Second floor rear. MR. ZURBRIGGEN: Object to form. 19 19 BY MR. WEST: Officer, you can answer. 20 20 Q. Right. So do you think it may have THE WITNESS: You're asking if all 21 21 affected your understanding of what the proper of my training was through the department? 22 22 BY MR. WEST: door was if you had known that there was a rear 23 23 Q. Right. I am trying to figure out in June entrance? 24 24 MR. ZURBRIGGEN: Object to form. 2021 if you were like maybe a provisional member

7 (Pages 22 to 25)

	Page 26	Page	28
1	of the SWAT team or	warrant is being served.	
2	A. Oh, no. I was officially part of the	 Q. Okay. And according to the training that 	
3	SWAT.	you received when you knocked and announced, h	ow
4	Q. Right. So was it your understanding as	4 much time should you normally give the occupant	of
5	of June 2021 that you received all of the training	5 the home to answer the door before breaching the	
6	provided by the Philadelphia Police Department	6 door?	
7	that prepared SWAT team members to do their job?	7 MR. ZURBRIGGEN: Object to form.	
8	A. Yes.	8 Officer, you can answer if you can.	
9	MR. ZURBRIGGEN: Object to form.	9 THE WITNESS: The order is always	
10	THE WITNESS: Yes.	given to breach the property by a	
11	BY MR. WEST:	supervisor. So that one would it would	
12	Q. Okay. Now, had you received any training	have been Lieutenant Monk would have ordere	ed
13	prior to June 2021 about how to execute a search	the breach of that property.	
14	warrant or an arrest warrant at a home?	14 BY MR. WEST:	
15	A. Have I received training on how to I'm	Q. Okay. But were you ever given any	
16	not I'm not really understanding your question.	training whatsoever as to how much time you show	ıld
17	Q. That's fine. I can repeat the question.	normally allow to pass before breaching a door?	
18	A. Yes.	A. A reasonable amount of time.	
19	Q. As of June 2021, so I am not really	Q. Sure. When you say reasonable amount of	
20	asking about anything that may have happened after	time, what do you mean by that?	
21	the incident, but prior to the incident at Ms.	A. I guess it could be approximately 30	
22	Alvarado's house	seconds.	
23	A. Uh-huh.	Q. Okay. So at least 30 seconds?	
24	Q had you received any training from the	MR. ZURBRIGGEN: Object to form.	
	Page 27	Page	29
1	Page 27	Page	29
1	Philadelphia Police Department as far as what you	1 But Officer	29
2	Philadelphia Police Department as far as what you should do when you were executing a warrant at a	 But Officer THE WITNESS: Approximately, yeah. 	29
2	Philadelphia Police Department as far as what you should do when you were executing a warrant at a person's private residence?	But Officer THE WITNESS: Approximately, yeah. Approximately 30 seconds before the order is	29
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	Page 30	Page 32		
1	at least 30 seconds passed between the door being	¹ MR. ZURBRIGGEN: Object to form.		
2	knocked and the door being breached, correct?	But Officer, you can answer.		
3	MR. ZURBRIGGEN: Object to form.	3 THE WITNESS: If the City provides		
4	Officer, you can answer.	4 it, you're supposed to wear it.		
5	THE WITNESS: Okay. Yeah, I wasn't	5 BY MR. WEST:		
6	watching the time clock. So I mean, no, I	⁶ Q. Okay. Do you have any personal knowledge		
7	don't have personal knowledge of whether it	7 as to why the SWAT team had not been provided body		
8	was actually 30 seconds.	8 cams that day?		
9	BY MR. WEST:	9 MR. ZURBRIGGEN: Object to form.		
10	Q. Okay. Have you ever seen the video?	Officer, you can answer.		
11	A. I haven't seen anything.	11 THE WITNESS: No. I am not in		
12	Q. Did you review any documents,	charge of buying the body cameras for the		
13	photographs, video, anything to prepare for	13 City.		
14	today's testimony?	14 BY MR. WEST:		
15	A. No.	Q. Right. So Officer Saba, I just want to		
16	Q. All right. On the day that the front	remind you of the instruction at the beginning of		
17	door on Ms. Alvarado's home was breached, were you	the deposition. I promise it will go faster.		
18	wearing a body camera?	18 A. Yeah.		
19	A. No.	Q. All questions are based on what you		
20	Q. Were any of the officers wearing a body	personally know. So I am not asking you what		
21	camera?	you're responsible for or anything like that. If		
22	A. Nobody from SWAT was wearing body	I ask you a question have you heard this, I am		
23	cameras.	asking have you heard it. I am not asking		
24	Q. Do you know why no one was wearing body	anything beyond that, okay?		
	Page 31	Page 33		
	rage 31	rage 33		
1				
1 2	cams that day?	¹ A. Okay.		
	cams that day? MR. ZURBRIGGEN: Object to form.	1 A. Okay. 2 Q. All right. So just to make sure that you		
2	cams that day?	1 A. Okay. 2 Q. All right. So just to make sure that you 3 understand. Have you ever heard anything as to		
2	cams that day? MR. ZURBRIGGEN: Object to form. But Officer, you can answer if you can.	1 A. Okay. 2 Q. All right. So just to make sure that you 3 understand. Have you ever heard anything as to		
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9 (Pages 30 to 33)

	Page 34		Page 36
1	are a lot of officers that wear body cameras. I	1	Lieutenant Monk about this incident?
2	had a body camera when I was in patrol.	2	A. I mean, not recent. But you know, we
3	Q. And that was back when?	3	normally talk about all warrants.
4	A. That would have been so I was in 22nd	4	Q. All right. And when you did speak to
5	at the time. So it would have been prior to	5	Lieutenant Monk about this incident, what did he
6	February of 2017.	6	say?
7	Q. All right. And again, this is based on	7	MR. ZURBRIGGEN: Object to form.
8	your personal information.	8	But Officer, you can answer if you can.
9	A. Sure.	9	THE WITNESS: I don't recall.
10	Q. Do you have any personal information as	10	BY MR. WEST:
11	to why all the way back in February 2017, normal	11	Q. Can you recall anything he said?
12	patrol officers in the City of Philadelphia were	12	A. No.
13	wearing body cams, but all the way back into the	13	Q. Sir, based on your training from the
14	summer of 2019 the SWAT team wasn't wearing them?	14	Philadelphia Police Department as of June 2021, if
15	MR. ZURBRIGGEN: Object to form.	15	the only entrance to the second floor rear
16	Officer, you can answer.	16	apartment was through apartment number one, and
17	THE WITNESS: It would have been the	17	you only had a warrant for the second floor rear
18	summer of 2021.	18	apartment, could you as a member of the SWAT Unit
19	BY MR. WEST:	19	have gone through the first floor apartment in
20	Q. I'm sorry. I misspoke. 2021.	20	order to get to the second floor rear apartment?
21	A. That's fine. I don't have knowledge of	21	MR. ZURBRIGGEN: Object to form.
22	why we didn't have body cameras at the time, nor	22	Officer, you can answer if you can.
23	do I know why we still don't have body cameras.	23	THE WITNESS: Based on my
24	Q. All right. To your knowledge, was there	24	experience, I have never encountered
			•
	Dama 25		
	Page 35		Page 37
1	any recording devices whatsoever being used at the	1	entryways to the second floor through
1 2	any recording devices whatsoever being used at the time when Ms. Alvarado's front door was breached?	1 2	entryways to the second floor through someone else's apartment.
	any recording devices whatsoever being used at the		entryways to the second floor through someone else's apartment. BY MR. WEST:
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10 (Pages 34 to 37)

Page 38 Page 40 1 Q. Okay. Could you tell me where did you Officer, you can answer. 2 2 THE WITNESS: Other than the type of gain that understanding that was the policies and 3 procedures of the Philadelphia Police Department? 3 door. It was just a metal magna steel door. 4 MR. ZURBRIGGEN: Same objection. 4 BY MR. WEST: 5 5 Officer, you can answer. Q. Did he say anything about what you guys 6 6 THE WITNESS: I mean, that is just anticipated was on the other side of that door? 7 pretty -- to me, that is pretty much common A. I don't recall. 8 8 sense. If there is only one entryway to the Q. Did he tell you where the door led? 9 second floor through someone else's 9 A. There would be no way for us to know. No 10 10 apartment, it would be -- it would lead any one was ever inside the property. 11 11 common person to believe that that occupant Q. Do you know if anyone from the SWAT Unit 12 12 of the second floor also has some form of had contacted property management, property owner 13 13 or anybody like that? legal entry into the first apartment as 14 well. 14 MR. ZURBRIGGEN: Object to form. 15 15 BY MR. WEST: Officer, you can answer. 16 Q. Um-hum. Okay. Now, the front door that 16 THE WITNESS: I don't know. 17 17 BY MR. WEST: was breached, prior to that door being breached, 18 had anyone told you what was behind that door? 18 Q. Did you have any knowledge as to who 19 A. No. 19 lived on the first floor of the property before 20 Q. All right. So, for example, Lieutenant 20 the door was breached? 21 21 Monk -- Lieutenant Monk was the commanding officer A. No. 22 on the scene, correct? 22 Q. All right, sir. I have a photograph 23 23 A. Yes. here. This is taken from Google Maps. It's 24 Q. Did he give you and the other SWAT Unit 24 actually time stamped 9:39 a.m. Monday, May 15th. Page 41 1 1 members any sort of briefing about what you guys It's from yesterday. And the same photograph I 2 2 were doing? will just represent for the record was used as an 3 A. We brief every warrant. And that 3 exhibit at yesterday's deposition of Officer Song. 4 4 briefing consists of the location that we are I will give you -- so we will mark this as Exhibit 5 5 going to, the suspect or defendant that we are 2. If you can take a moment to look at it, once 6 6 going to get, what they are wanted for. And then you had a chance to review it, let me know when 7 7 there's usually other information like where we you're ready to proceed. 8 8 are staging at, how we are driving from the A. Sure. 9 9 staging area to the property. And then God forbid 10 10 there's an emergency or one of us are shot, (Whereupon, Exhibit 2 was marked for 11 11 there's also information of how to get to the identification.) 12 12 nearest trauma center from the location. 13 13 BY MR. WEST: Q. Right. So did he give you guys any sort 14 14 of briefing about -- that you were going to go Q. All right, sir. Do you recognize what 15 15 through the front door? this is a picture of? 16 16 A. Uh-huh. Yes, I do. MR. ZURBRIGGEN: Object to form. 17 17 Q. What is this picture of? Officer, you can answer if you can. 18 THE WITNESS: I don't recall that 18 A. Other than the houses to the left, it 19 19 particular -- no. would depict the tan colored property was the 2.0 2.0 BY MR. WEST: location that we went into. 21 21 Q. Okay. You don't recall him saying Q. Right. And is it your testimony then, 22 22 anything about the front door that you were the tan colored house pictured here, was the 23 23 residence where Ms. Alvarado lived? knocking on that you breached? 24 24 MR. ZURBRIGGEN: Object to form. A. Yes.

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Page 42 Page 44 1 1 Q. And the front door of this tan colored MR. ZURBRIGGEN: Object to form. 2 2 property, is that the front door that got Officer, you can answer. 3 3 breached? THE WITNESS: Yes. Hands up that 4 A. The door would be to the right of the 4 she was of no threat to us. I went -- I 5 5 windows, yes. went directly to Ms. Alvarado and I asked 6 Q. So there's windows. There's a couple 6 her where the steps were to the second 7 things that look like mailboxes. And then there's 7 floor. And she said they're out back. 8 a door right next to that, right? 8 BY MR. WEST: 9 A. Yes. 9 Q. Okay. And so what did you do after that? 10 Q. Is that the door that got breached? 10 A. I informed Lieutenant Monk what Mrs. 11 A. Yes. 11 Alvarado had told me. 12 Q. Do you see any second floor above that 12 Q. Yes. What did he say to that? 13 door? 13 A. And it was almost simultaneously at the 14 MR. ZURBRIGGEN: Object to form. 14 same time our rear containment had communicated 15 Officer, you can answer if you can. 15 through our radio system that there were people 16 THE WITNESS: No. 16 coming out of the back door. So with that 17 BY MR. WEST: 17 information from our rear containment and with 18 Q. So do you think it would be reasonable 18 information from Ms. Alvarado, Lieutenant Monk 19 for someone to believe that this second -- that 19 told us to exit the property, form up and go 20 this door led to the second floor of a building? 20 around to the back of the property. 21 MR. ZURBRIGGEN: Object to form. 21 Q. Okay. And then what happened? 22 Officer, you can answer. 22 A. We went around to the back of the 23 THE WITNESS: No. It wouldn't be 23 property. Between that time, the occupants that 24 reasonable. 24 had come out the back door, they had told our rear Page 43 Page 45 1 BY MR. WEST: 1 containment that they lived on the second floor. 2 2 Q. Okay. So tell me what you recall And then it was to my knowledge it was 3 happened after the dog was shot. 3 communicated to them who we were looking for. And 4 A. I remember -- after the dog was shot, I 4 I believe the male that came out said that it was 5 remember continuing to walk through the property. 5 his son. 6 6 I remember Mrs. -- I am going to indicate on Q. Okay. So when you referred to the rear 7 7 the -- on your -containment officers, was it -- does that mean 8 8 Q. Oh, sure. I will tell you what, let me that there were some officers from the SWAT unit 9 9 give you a black pen. And you can write anything who were actually stationed at the rear door? 10 10 you want. Just let us know what you're doing. A. They wouldn't be at the rear door. They 11 11 A. I am just going to write on here I would be like positioned off of the property. 12 12 remember Mrs. Alvarado being right here, at like Like, you know, you're not -- you wouldn't be 13 13 the kitchen wall. There was a wall in between the standing directly up against the door. You would 14 14 living area and the kitchen. I remember Mrs. have some distance between the property and the 15 15 Alvarado being right here. She was -- if I property line. 16 16 remember, she was down on her knees. Q. Okay. Do you know how many people were 17 17 Q. Was she naked at the time? in the rear containment? 18 A. I don't recall. 18 A. It would always be two. 19 19 O. Okay. Q. So the standard would be to have two 2.0 20 A. Yeah, I don't recall. I remember her officers? 21 being -- was like this and she was crying. 21 A. Two officers, yes. 22 22 Q. Her hands up to show she was no threat Q. Do you recall that there's a cul-de-sac 23 23 and she was crying, correct? area in front of the rear door? 24 24 MR. ZURBRIGGEN: Object to form. A. Yes.

12 (Pages 42 to 45)

Page 46 Page 48 1 But Officer, you can answer if you know. 1 of the zeros, 73 defense. And we will mark this 2 2 THE WITNESS: I don't recall exactly 3 3 how the rear of the property looked. No, I 4 4 don't. (Whereupon, Exhibit 3 was marked for 5 5 BY MR. WEST: identification.) 6 6 Q. Okay. Do you have any personal knowledge 7 7 BY MR. WEST: why there wasn't an effort to execute the warrant 8 8 Q. Sir, take a moment to review that through the rear door? 9 document. And once you have had a chance to 9 MR. ZURBRIGGEN: Object to form. 10 review it, let me know if you know what that is. 10 Officer, you can answer if you can. 11 A. Yes. 11 THE WITNESS: There was no 12 Q. What is this? 12 information. We had no information that 13 A. This is a recon sheet that we always fill 13 entry to the second floor was through the 14 out on every warrant that we serve. 14 rear door. 15 Q. All right. And actually, I will add two 15 BY MR. WEST: 16 pages. It will still be Exhibit 3, but there's 16 Q. Okay. Do you have any personal knowledge 17 two additional pages that I think I should have 17 as to whether or not there was any effort by 18 included. But before we do, will you look at 18 anybody associated with the Philadelphia Police 19 those and let me know, are those two pages all 19 Department to learn whether the front door or the 20 part of the same thing? 20 rear door lead to the second floor rear apartment 21 A. So these two would be just like front and 21 prior to Ms. Alvarado's front door being breached? 22 back. So it would be one document. 2.2 MR. ZURBRIGGEN: Object to form. 23 Q. Okay. But you're not sure if that third 23 Officer, you can answer. 24 page is part of it? 2.4 THE WITNESS: I don't know. Yes, I Page 47 Page 49 1 1 A. No. This is -don't know if there was any other. 2 2 BY MR. WEST: Q. All right. Let me have that back then. 3 Q. Okay. Is that something you would 3 So the two pages there are usually front and back. 4 4 normally know prior to executing a warrant? Would A. Yes. 5 you know like what reconnaissance had occurred? 5 Q. And that -- and that is the document we 6 6 MR. ZURBRIGGEN: Object to form. are referring to. Just let us know what this is. 7 7 Officer, you can answer. A. This is our recon sheet. We fill this 8 8 THE WITNESS: The SWAT Unit always out on every warrant that we serve. 9 9 recons -- does reconnaissance on every Q. Okay. Who actually is responsible for 10 10 property that we serve warrants on. And our completing this document? 11 11 main objective for that is number one, to A. We -- we preliminarily put all of this 12 12 information in. All of the boxes are filled out make sure that the property itself does exist. To see whether the property is 13 13 by one of the officers. And then everything is 14 14 marked by saying, you know, that the address looked over and approved by a supervisor. He will 15 15 is on the property. We always make sure ultimately make changes or, you know, if there is 16 16 that there's some form of access or access something that he doesn't want, you know, on there 17 to the rear of the property so that we can 17 or something he wants added, he will make that 18 set up rear containment. 18 determination. 19 19 But yes, the SWAT Unit always does Q. All right. And for this particular 2.0 2.0 recon -- reconnaissance on every property. document, who would have been the person 21 21 BY MR. WEST: responsible? 22 22 Q. All right. I will mark as Exhibit 3 a A. Sergeant Mellody. 23 23 document produced to us in discovery from the Q. Not Lieutenant Monk? 24 defendants Bates stamped 72. I won't add in all 24 A. No.

13 (Pages 46 to 49)

Page 50 Page 52 1 1 Q. All right. Do you see anything on this residences in buildings that were multi residence? 2 2 document that indicates the existence of a rear MR. ZURBRIGGEN: Object to form. 3 3 But Officer, you can answer. 4 MR. ZURBRIGGEN: Object to form. 4 THE WITNESS: Just based off of my 5 Officer, you can answer. 5 16 plus experience of working in 6 THE WITNESS: No. 6 Philadelphia and not only being assigned to 7 BY MR. WEST: 7 the SWAT Unit, but in various sections of 8 Q. Do you see anything on this document that 8 the City, a lot of buildings are altered 9 indicates that the building in question may have 9 into different apartments. And then 10 contained multiple residences? 10 sometimes those are even altered into 11 MR. ZURBRIGGEN: Object to form. 11 rooming houses. 12 Officer, you can answer. 12 So a lot of times in -- based off of 13 THE WITNESS: Other than the 13 my experience, I have gone into properties 14 location 4664 Torresdale Avenue (Apartment 14 where you may have a second floor apartment, 15 second floor rear). 15 but they're sub-rented out to other people. 16 BY MR. WEST: 16 So you have second floor front, second floor 17 Q. Right. So you can see that it's an 17 middle, second floor rear. Where it's, you 18 apartment building, because there's apartment 18 know, not legally allowed to be like that. 19 numbers, right? 19 But that's -- based on my experience, that 20 A. Other than second floor rear. 20 is what I have seen in my time, you know, in 21 Q. But what I'm saying is you see that 21 policing. 22 there's an apartment number, so that indicates to 22 BY MR. WEST: 23 you that the building contained multiple 23 Q. Right. So in fairness, I think you 24 residences, correct? 24 testified as to what your personal experience was. Page 51 Page 53 1 A. Yes. A. Yes. It would be safe to say that, yes. 2 2 Q. Okay. Did you ever receive any training Q. But my question was, the training that 3 from the Philadelphia Police Department specific 3 you have received from the Philadelphia Police 4 4 Department, did you ever receive any specific to if you're executing a warrant at a multi 5 5 residence building what should be done ahead of training from the Philadelphia Police Department 6 6 time to determine which portions of the building on this topic? 7 7 were the residences of certain people as opposed MR. ZURBRIGGEN: Same objection. 8 8 to maybe the suspect that you're going after? Officer, you can answer. 9 9 MR. ZURBRIGGEN: Object to form. THE WITNESS: No. 10 10 But Officer, you can answer if you can. BY MR. WEST: 11 11 THE WITNESS: No. Q. Okay. Do you know whether or not anyone 12 MR. WEST: This is going to be super 12 reviewed the property records for this property 13 13 annoying, but I think that your attorney is before the breach? 14 14 MR. ZURBRIGGEN: Object to form. probably right, that I misworded that 15 15 question. I will try to -- I will ask the But Officer, you can answer. 16 same question, but I will ask it in a way 16 THE WITNESS: I don't know. 17 that makes more sense. 17 BY MR. WEST: 18 18 THE WITNESS: Okay. Q. Okay. For example, I can represent to 19 19 BY MR. WEST: you that there is at least some indication in the 20 20 Q. Okay. So from all of the training that records that they knew from the property records 21 21 you received from the Philadelphia Police that there was an apartment upstairs and an 22 22 Department, did you ever receive any training that apartment downstairs. Did you ever hear anything 23 specifically told you how to determine what 23 about that prior to the door being breached? 24 24 portions of a building belong to various MR. ZURBRIGGEN: Object to form.

14 (Pages 50 to 53)

	Page 54		Page 56
1	But Officer, you can answer.	1	THE WITNESS: No.
2	THE WITNESS: No.	2	BY MR. WEST:
3	BY MR. WEST:	3	Q. Okay. Philadelphia Police Department
4	Q. Okay. In your experience with the	4	prior to breaching the door had total control of
5	Philadelphia Police Department prior to executing	5	the situation, correct?
6	a warrant at a multi residence building, would	6	MR. ZURBRIGGEN: Object to form.
7	there normally be an effort to review the property	7	But Officer, you can answer.
8	records to determine where the various residences	8	THE WITNESS: Yes.
9	were located within the building?	9	BY MR. WEST:
10	MR. ZURBRIGGEN: Object to form.	10	Q. And this was a preplanned warrant
11	But Officer, you can answer.	11	enforcement operation, correct?
12	THE WITNESS: I think that the	12	A. Yes.
13	responsibility would be on the detective	13	Q. Did Ms. Alvarado do anything that day
14	division and where they obtain their warrant	14	that you can recall that any officer would have
15	for.	15	reasonably believed created a danger that they had
16	BY MR. WEST:	16	to react to?
17	Q. Right. So the detective should do that,	17	A. No.
18	in your experience?	18	Q. Did you hear Ms. Alvarado ask for the
19	MR. ZURBRIGGEN: Object to form.	19	opportunity to put her dog in its cage prior it
20	But Officer, you can answer.	20	being shot?
21	THE WITNESS: Yes. Yes, they should	21	A. I did not, no.
22	do that.	22	Q. Okay. Did you speak with Ms. Alvarado at
23	BY MR. WEST:	23	any point?
24	Q. In your experience with the Philadelphia	24	A. Yes.
	Page 55		Page 57
1	Police Department, is that something that a	1	Q. And please tell me everything that you
2	detective normally would do in this situation?	2	can recall that she said.
3	MR. ZURBRIGGEN: Object to form.	3	A. I just asked Ms. Alvarado where the entry
4	But Officer, you can answer.	4	was where the steps were. I'm sorry. Where
5	THE WITNESS: I'm not a detective.	5	the steps were for the second floor. She was
6	So I don't know if that is standard protocol	6	where I indicated on the map right by the door
7	or procedure that they do. But it would be	7	between the living area and right by the
8	reasonable to believe that that is what they	8	entryway to the kitchen. That is when she told me
9	should do.	9	that the entry to the second floor was out back.
10	BY MR. WEST:	10	Q. Okay. Other than that conversation, did
11	Q. Okay. Prior to the door being breached	11	you have any other conversation with Ms. Alvarado
12	in this situation, were there any exigent	12	at any time?
13	circumstances whatsoever that you're aware of?	13	A. No.
14	MR. ZURBRIGGEN: Object to form.	14	Q. Okay. I kind of covered this before. I
15	But Officer, you can answer if you can.	15	want to make sure I am not missing anything. In
16 17	BY MR. WEST:	16 17	all of the preparation that you received for this
18	Q. Just to give some clarification to the	18	warrant execution, all of the planning instruction
19	question. When I use the term exigent	19	you got, did anyone at any point say anything about the fact that there were other people who
	circumstances, you know what that means, right?	20	
	A Cura Vac	1 20	lived on the first floor of this building?
20	A. Sure. Yes.	21	MR 71 IRRRIGGEN: Object to form
20 21	Q. Were there an exigent circumstances that	21	MR. ZURBRIGGEN: Object to form.
20	Q. Were there an exigent circumstances that required any sort of emergency?		Officer, you can answer.
20 21 22	Q. Were there an exigent circumstances that required any sort of emergency? MR. ZURBRIGGEN: Same objection.	22	Officer, you can answer. THE WITNESS: No.
20 21 22 23	Q. Were there an exigent circumstances that required any sort of emergency?	22	Officer, you can answer.

15 (Pages 54 to 57)

Page 58 Page 60 1 1 Q. Did you have any knowledge one way or MR. ZURBRIGGEN: Same objection. 2 2 another whether or not there was a dog in the THE WITNESS: All dogs are 3 property prior to the door being breached? 3 different. So some dogs are going to bark. 4 A. No. 4 And some dogs are going to attack. And some 5 Q. All right. I think I might actually be 5 dogs are going to sit there and you know, 6 pretty much done. I guess I was asking --6 just kind of look at you. So I think to 7 normally in your experience with the Philadelphia 7 answer your question, it's kind of -- it 8 Police Department, if you're executing a warrant 8 varies, you know. But our tactics never 9 at a multi resident building, is there normally 9 change. 10 any sort of conversation that addresses the fact BY MR. WEST: 10 11 that there are people who lived in the building 11 Q. Sir, I understand that dogs are 12 that are not subject to the warrant? 12 different. But my question -- I want to make sure 13 MR. ZURBRIGGEN: Object to form. 13 you understand it -- was did you receive any 14 But Officer, you can answer. 14 specific training from the Philadelphia Police 15 THE WITNESS: Yes. Definitely. 15 Department on that topic? 16 Sure. Yes. 16 A. No. 17 BY MR. WEST: 17 MR. ZURBRIGGEN: Object to form. 18 Q. Okay. Do you have any knowledge as to 18 But Officer, you can answer. 19 why a conversation of that type didn't take place 19 THE WITNESS: No. 20 this time? 20 BY MR. WEST: 21 MR. ZURBRIGGEN: Same objection. 21 Q. For example, if you were planning on 22 But Officer, you can answer. 22 executing a warrant on a door that you thought 23 THE WITNESS: No, I don't. 23 maybe led to a common area but you weren't sure 24 MR. WEST: Okay. 24 and you could hear that there was dog barking on Page 59 Page 61 1 BY MR. WEST: 1 the other side of the door, would your training 2 2 tell you that you should take any sort of Q. In your experience -- strike the 3 3 precaution so that the dog isn't frightened question. 4 4 So in your time with the SWAT Unit in the because someone is smashing in the front door and 5 Philadelphia Police Department, have you ever been 5 that might lead to an incident? Any kind of 6 6 in a situation where you have to execute a warrant training like that? 7 7 in a building where you know that there's a dog MR. ZURBRIGGEN: Object to form. 8 8 inside? Officer, you can answer. 9 9 A. Yes. THE WITNESS: There's no way of 10 10 knowing how the dog is going to react. If Q. Like a dog that's barking before you 11 11 enter the property. You have been in that it's barking, it's barking. We don't have 12 situation before? 12 dog treats or anything to try and, you know, 13 13 make the dog go to a different area or try A. Yes. 14 14 Q. All right. In that situation, did you and lead the dog away from the entry team on 15 15 ever receive any training of any kind as a member the property, so no. 16 of the Philadelphia Police Department as to what 16 BY MR. WEST: 17 you should do with regards to the dog? 17 Q. So based on your training and years of 18 MR. ZURBRIGGEN: Object to form. 18 experience with the Philadelphia SWAT Unit, it's 19 19 your understanding that if there is a dog barking Officer, you can answer. 20 20 THE WITNESS: No. at a front door and a bunch of people smash in the 21 21 BY MR. WEST: door and come running in, the reaction of that dog 22 22 Q. You have never received any -- have you is entirely unforeseeable? 23 23 MR. ZURBRIGGEN: Object to form. ever received any training of any kind as to how 24 24 THE WITNESS: Correct. to deal with dogs while executing warrants?

16 (Pages 58 to 61)

Page 64 Page 62 1 1 MR. WEST: Okay. I have no further door 2 2 questions. Thank you very much for your Q. Do you recall, sir, what was -- what the 3 3 front door looked like? time. 4 THE WITNESS: Yeah, thank you. 4 A. If I recall, it was just a basic metal 5 5 MR. WEST: I wish we met on other -front door. If there were anything on the actual 6 6 on another occasion, but thank you for door, I don't recall. 7 7 Q. Okay. And you testified earlier that you coming in. 8 8 THE WITNESS: Yes, no problem. recall seeing the two mailboxes that are just to 9 MR. ZURBRIGGEN: Officer, I have 9 the left of the door; is that correct, sir? 10 10 just a few follow-up questions for you and A. Yes. 11 11 then we can wrap up. Q. Okay. Is there anything else that 12 12 MR. WEST: Oh, I'm sorry. indicated to you that this front door entry was an 13 13 MR. ZURBRIGGEN: It's okay. It will exclusive entry to a first floor property? 14 be very brief. 14 A. No. 15 15 MR. WEST: Sometimes Defense Counsel Q. Okay. And then, sir, I just want to ask 16 won't ask questions. He is certainly 16 you with regards to dog encounters. What is your 17 17 entitled. understanding of when you can use force against a 18 MR. ZURBRIGGEN: It will be very 18 19 brief, I promise. 19 A. If the dog poses serious bodily injury. 20 20 Q. So it's your understanding that you 21 21 **EXAMINATION** cannot use force on a dog that poses no threat? 22 22 A. Correct. - - -23 23 BY MR. ZURBRIGGEN: Q. Okay. That's the only questions I have. 2.4 Q. Officer, I just want to clarify. 24 MR. WEST: I just have a follow-up. Page 63 Page 65 1 Plaintiff's Counsel asked you during your 1 THE WITNESS: Sure. 2 deposition whether you saw the knocking on the 3 front door. And I believe your testimony was that 3 **EXAMINATION** 4 4 you did not see the knocking on the front door 5 before breach to Ms. Alvarado's apartment; is that 5 BY MR. WEST: 6 6 Q. Sir, I believe when Defense Counsel asked correct? 7 7 A. Correct. you questions, you said you heard the knock and 8 8 announce? Q. I just want to clarify, did you hear a 9 9 A. Yes. knock and announce? 10 10 Q. Okay. How long was it between when you A. Yes. 11 11 Q. I want to direct your attention, Officer, heard the knock and announce and when the door was 12 12 breached? to what was marked I believe Exhibit 2. That is 13 13 the photograph. Can you take a look at that A. I think I had answered this before. I 14 14 again, Officer? don't recall. Because I wasn't watching a time 15 15 A. Sure. watch or anything. So I don't really recall the 16 16 time from the knock to the breach. It would have Q. And I believe you testified that it's the 17 tan house that is the third from the right side 17 just been under Lieutenant Monk's order to breach 18 that is Ms. Alvarado's property, is that correct, 18 the door. So I don't really remember the 19 19 sir? timeframe. 20 2.0 A. Correct. Q. Do you believe it may have been less than 21 21 Q. And can you see -- when you look at this 30 seconds? 22 22 picture, can you see anything on the front door MR. ZURBRIGGEN: Object to form. 23 23 from this picture? Officer, you can answer if you can. 24 THE WITNESS: It could have been, 24 A. From this picture I can't see the front

17 (Pages 62 to 65)

	Page 66		Page 68
1	yes.	1	recording at 11:01 a.m.
2	BY MR. WEST:	2	
3	Q. Okay. Who did the knock and announce?	3	(Whereupon, the deposition concluded
4	A. It would have been Officer Murray and	4	at 11:01 a.m.)
5	Officer Clark. They were our breachers.	5	
6	Q. Do you specifically recall them doing it	6	
7	or do you think that is what they normally would	7	
8	have done?	8	
9		9	
10	A. No. We knock and announce on every	10	
11	property.	11	
	Q. I understand. What I am saying is, do	12	
12	you actually specifically recall them doing it?	13	
13	A. Yes.	14	
14	Q. Okay. And what exactly did they say?	15	
15	A. We always knock. At the same time we are		
16	knocking we say police with a warrant.	16	
17	Q. I want to make sure you understand my	17	
18	question, sir. I am not asking what you normally	18	
19	do. I am saying do you actually specifically	19	
20	recall? And if so, what do you specifically	20	
21	recall?	21	
22	A. Police with a warrant.	22	
23	MR. ZURBRIGGEN: Object to form.	23	
24	Officer, you can answer.	24	
	2, y - 2		
	Page 67		Page 69
1	BY MR. WEST:	1	CERTIFICATION
2	Q. What was it?		
3	A. Police with a warrant.	2	
4	Q. Okay. Police with a warrant. Did you	3	
5	hear anything else said before the door got	4	I hereby certify that the
6	breached?	5	proceedings and evidence noted are contained
7	A. Other than Lieutenant Monk saying breach,	6	fully and accurately in the notes taken by
8	no.	7	me on the deposition of the above matter,
9	Q. Okay. Sir, I will represent to you that	8 9	and that this is a correct transcript of the
10	there actually is surveillance footage of this	10	same.
11	incident. It seems to indicate there's maybe two	11	and the second second
12	seconds that pass.	12	
13	A. Okay.		DENISE WELLER
14	Q. Do you have any personal knowledge to	13	Shorthand Reporter
15	contradict that?	14	Shormand reporter
16		15	
17	MR. ZURBRIGGEN: Object to form.	16	
18	But Officer, you can answer if you can.	17	
	THE WITNESS: No.	18	(The foregoing certification of this
19	MR. WEST: All right, sir. Thank	19	transcript does not apply to any
20	you very much for your time.	20	reproduction of the same by any means,
21	MR. ZURBRIGGEN: All right. Thank	21	unless under the direct control and/or
22	you, sir.	22	supervision of the certifying reporter.)
23	THE WITNESS: Thank you.	23	_
24	VIDEO OPERATOR: Ending the	24	

18 (Pages 66 to 69)

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EXHIBIT "H"

Transcript of the Testimony of: **Heriberto Quintana**

Date: May 23, 2023

Case: Alvarado v. City of Philadelphia, et al

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Defendants :		None	
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Remote Oral Deposition of HERIBERTO QUINTAN	A, 15		
taken via Zoom conference technology, on the above	16		
date, beginning at approximately 10:00 a.m.,	17		
before Dawn M. Burr, a Professional Court Reporter	18		
and Notary Public, there being present.	19		
DIAMOND COURT REPORTING	20		
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Mantua, New Jersey 08051	22		
(856) 589-1107	23		
dcr.diamond@comcast.net	24		
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1 APPEARANCES:	1		
2 VICTIMS' RECOVERY LAW CENTER			
BY: KEITH THOMAS WEST, ESQUIRE	2	(It was stipulated by and bet	ween
The North American Building	3	counsel that signing, sealing,	
121 South Broad Street, 18th Floor Philadelphia, PA 19107	4	certification and filing be waive	ed; and
Counsel for the Plaintiff	5	that all objections, except as to	the
⁵ Tel. 215-546-1433	6		
E-mail: keith@victimrecoverylaw.com		form of the question, be reserve	ea unui
6 ***** 7 CITY OF PHILADEL PHIA - LAW	7	the time of trial.)	
7 CITY OF PHILADELPHIA - LAW DEPARTMENT	8		
8 BY: ADAM R. ZURBRIGGEN, ESQUIRE	9	MR. WEST: I'll just put on	the
One Parkway Building	10	record by usual stipulations we	
	1 -	• •	
9 1515 Arch Street			
Philadelphia, PA 19102	11	that all objections are reserved	
Philadelphia, PA 19102 Counsel for the Defendants	11 12	that all objections are reserved time of trial, other than objection	
Philadelphia, PA 19102 Counsel for the Defendants Tel. 215-683-5114 11 E-mail: adam.zurbriggen@phila.gov		time of trial, other than objection	
Philadelphia, PA 19102 Counsel for the Defendants Tel. 215-683-5114 E-mail: adam.zurbriggen@phila.gov *****	12 13		
Philadelphia, PA 19102 Counsel for the Defendants Tel. 215-683-5114 E-mail: adam.zurbriggen@phila.gov *****	12 13 14	time of trial, other than objection the form of the question.	ons to
Philadelphia, PA 19102 Counsel for the Defendants Tel. 215-683-5114 E-mail: adam.zurbriggen@phila.gov *****	12 13 14 15	time of trial, other than objection the form of the question. HERIBERTO QUINT	ons to ANA, having
Philadelphia, PA 19102 Counsel for the Defendants Tel. 215-683-5114 E-mail: adam.zurbriggen@phila.gov *****	12 13 14	time of trial, other than objection the form of the question.	ons to ANA, having
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Philadelphia, PA 19102 Counsel for the Defendants Tel. 215-683-5114 E-mail: adam.zurbriggen@phila.gov ***** ALSO PRESENT FROM THE CITY OF PHILADELPHIA LAW DEPARTMENT: JONAH SANTIAGO-PAGAN	12 13 14 15 16 17	time of trial, other than objection the form of the question. HERIBERTO QUINT been duly sworn as a witness, examined and testified as follo	ANA, having was
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1 (Pages 1 to 4)

Page 5 Page 7 1 1 Q. Do you pronounce your last name I'm sure your attorney has already 2 Quintana? 2 let you know your only obligation today is to give 3 A. 3 truthful testimony based on your personal Quintana, yes. 4 4 O. Officer Quintana, thanks for coming knowledge. So just to be clear, as an 5 in this morning. My name is Keith West and I'm 5 introductory instruction, I'm not gonna ask you to 6 one of the attorneys who represents the plaintiff 6 guess or speculate at any time. Okay, sir? 7 in this case. It's Ms. Alvarado. Okay? 7 A. Okay. 8 A. Okay. 8 O. On the other hand, if you have 9 Q. I think you've been through a 9 partial information, we would like to know that 10 deposition before; is that correct? 10 because we want to know everything that you know. 11 A. Yes 11 If you can give us an estimate or an 12 Q. How many times have you been 12 approximation, please do so. Just let us know 13 deposed? 13 that you are in fact giving an estimate or an 14 Maybe three times in like 20 years. A. 14 approximation. Okay, sir? 15 O. In 20 years? 15 A. Okay. 16 A. Yes. 16 Q. So Officer Quintana, are you a 17 O. So I'm sure you're already pretty 17 member of the SWAT Unit of the City of 18 much familiar with the process. I just have a 18 Philadelphia Police Department? 19 couple of preliminary questions we have to ask 19 A. Yes, I am. 20 everybody and I'll just lay out a few things, so 20 Q. How long have you been a member of 21 you understand how this will work and we won't 21 the SWAT unit? 22 take took much of your time, I don't think. 22 A. Since January of 2002. 23 A. Okay. 23 Q. So you're at over 20 years at this 2.4 Q. In many ways this is similar to a 24 point, correct? Page 6 Page 8 1 1 A. Correct. normal conversation. The difference of course is 2 2 that our court reporter needs to write everything O. Now, our case involves an incident 3 down. So we have to be careful that we never 3 that happened back in June 2021 at Ms. Alvarado's 4 4 house. Do you recall this incident? speak at the same time and all of our responses 5 5 have to be verbal. She can't write down nods of A. 6 6 the head and that kind of thing. So all our Q. I'm gonna ask you a broad general 7 7 responses have to be spoken clearly and we're not question, you know, and maybe we'll save some 8 8 time. Can you tell me everything you can remember gonna speak at the same time. Okay, sir? 9 9 A. Okay. about that incident? 10 10 O. Also this is not intended to be an I remember that I was working with 11 11 Officer Miguel Rivera, R-I-V-E-R-A. For some unnecessarily uncomfortable or inconvenient 12 12 process. If you need to take a break at any reason, I can't remember his badge number off the 13 13 point, you want to grab a glass of water or top of my head, but we were assigned to rear 14 14 something like that, just let us know. Okay? containment for a warrant we were serving at the 15 15 A. -- at your client's address. And we arrived and 16 Are you under the influence of any 16 Officer Rivera and I went to the rear of the O. 17 17 sort of medication, substance, illness, anything property, which was -- it had a common driveway 18 18 that would impair your ability to testify and it had a small yard that was fenced in with a 19 19 truthfully today? four-foot fence and the rear door was facing to 20 20 A. I am not. our right. In other words, it didn't -- we 21 21 You've had a chance to confer with couldn't see directly into the rear door because 22 22 your attorney and you're prepared to go forward it had steps that came in on the side. 23 23 with today's deposition, correct? So at that point, we let the team 24 24 know that we were on location and after a few A. Yes.

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Page 9 Page 11 1 1 seconds, at some point the -- we could hear the O. I apologize, sir. I'm not trying 2 2 door was breached and after a few seconds, we to put words in your mouth. I misunderstood. I 3 3 thought you said that you did park back there. So heard -- well, I heard one gunshot and I remember 4 just to be clear, I'm not trying to put words in 4 as they were knocking, just as they were knocking, 5 5 your mouth. or just after, an older black male and black 6 6 All right, sir. So this driveway female came to the second floor rear window and 7 7 area where you were in the rear of the building, were -- it looked like they were trying to get my 8 would that have been, in your experience, enough 8 attention. So I told them -- I kind of gave them 9 9 room for a SWAT Unit to have stationed an entry the signal to hold on and I let the team know that 10 team? 10 there was a black female and older black male at 11 MR. ZURBRIGGEN: Object to form, 11 the second floor rear window. 12 but Officer, you can answer. 12 At that point, I think -- I forget 13 THE WITNESS: There's plenty of 13 the timeline, if it was just after or just before 14 room back there. 14 the discharge. At that point, I signaled them to 15 BY MR. WEST: 15 come down. I let the team know that they were 16 There's plenty of room. If the 16 there and I signaled them to come downstairs and 17 SWAT Unit had wanted to enter through the rear 17 they exited from the rear door and I had them 18 door, there was plenty of room in that rear 18 standby inside the fenced in yard until the team 19 driveway area, correct? 19 at some point came around and made entry into the 20 MR. ZURBRIGGEN: Object to the 20 rear of the property from that back door. 21 form. Sir, you can answer. 21 Okay, sir. So the back door that 22 BY MR. WEST: 22 you've described, there was like a cul-de-sac --23 What was your answer to the last Q. 23 it was like on a cul-de-sac, correct? 24 question, sir? 2.4 The back door, it was a common Page 10 Page 12 1 1 driveway. A. That was correct. 2 2 Right. Could you describe the Q. Q. Now, before you got to the 3 driveway? 3 property, had you gotten any instructions as to 4 4 A. So we came in from -- it would be what kind of property you were going to that day? 5 5 to my left. We entered the driveway from there That would have been on like a 6 6 and then kind of like parked our truck -- I think reconnaissance sheet. So I can give you my 7 7 we were on the street actually at the entrance to experience as to what kind of a description that 8 8 that driveway and it was just a large opening and would have had, but I don't remember off the top 9 9 you could see pretty much -- I would say, from our of my head, without seeing the reconnaissance 10 10 vantage point, maybe the rear of about eight or sheet, exactly what was written on that date. 11 11 nine of these houses. Right. Sir, just to remind you of 12 12 Right. So there's I think a large an instruction we gave at the beginning. We're 13 13 driveway that encompassed an area of at least just asking based on what you personally know. So 14 eight buildings, correct? 14 I'm not gonna ask you to guess or speculate or 15 15 Yes, the rear of these houses. tell me what you think would normally happen, just 16 And you were able to park your 16 what you specifically can recall now. O. 17 17 truck back there? In addition to the reconnaissance 18 18 MR. ZURBRIGGEN: Object to form. sheet that you referred to, would you have 19 19 received any sort of verbal instruction or Officer, you can answer. 20 20 THE WITNESS: I don't remember if guidance prior to the operation as to what to 21 21 expect? we parked our truck. I want to say we 22 22 were on the -- we left our truck on the MR. ZURBRIGGEN: Object to form, 23 23 but Officer, you can answer. street. I can't remember exactly. 24 24 BY MR. WEST: THE WITNESS: Only if -- that would

3 (Pages 9 to 12)

	Page 13	Page 15
1	only happen if we had additional	¹ Q. So for example, is it your
2	information besides what would be on	² understanding that the warrant applied to the
3	that sheet. It would be something more	³ entire building?
4	in the sense that what kind of	4 A. Yes.
5	difficulties we would have getting to	5 MR. ZURBRIGGEN: Same objection.
6	that rear.	6 BY MR. WEST:
7	BY MR. WEST:	7 Q. Based on the briefing that you
8	Q. For example, was there any sort of	8 received, your understanding was the warrant was a
9	briefing done prior to you getting to the site?	9 search warrant that applied to the entire
10	A. Yes. We had briefed at our	building, correct?
11	headquarters prior to that.	11 MR. ZURBRIGGEN: Same objection,
12	Q. And who did the briefing for this	but Officer, you can answer.
13	operation?	13 THE WITNESS: Yes. It was a
14	A. I can't recall. I think it was	14 warrant for the house.
15	that would be the sergeant. I don't know why I'm	15 BY MR. WEST:
16	drawing a blank on his name. I haven't been at	BT WIK. WEST.
17	work for a few months, so bear with me.	Q. I tillink you testified earlier that
18	Q. Do you think it might have been	Jou could near over the radio that at some point
19	Sergeant Mellody?	an order was given to breach the property, is that
20	A. That's it, Sergeant Kevin Mellody.	19 correct? 20 A. Not over the radio. I could hear
21	Q. Just a follow-up. You mentioned	71. Not over the radio. I could hear
22	you haven't been at work for a few months. May I	it from the real.
23	ask why that is?	Q. So from your position in the real
24	A. I was shot through my leg in	of the building, you could actually fical someone
	0 , 0	24 yell breach?
	_ 14	Dago 16
	Page 14	Page 16
1	October.	A. No. I could hear when they knock
1 2		
	October.	¹ A. No. I could hear when they knock
2	October. Q. Okay. I'm sorry to hear that, sir.	A. No. I could hear when they knock and announce and then I could hear the actual breach, like a ram hitting a door. Q. So when the ramp hit the door, that
2	October. Q. Okay. I'm sorry to hear that, sir. So do you recall anything that Sergeant Mellody,	A. No. I could hear when they knock and announce and then I could hear the actual breach, like a ram hitting a door. Q. So when the ramp hit the door, that was loud enough that you could actually hear it
2 3 4	October. Q. Okay. I'm sorry to hear that, sir. So do you recall anything that Sergeant Mellody, or anyone else who did the briefing, said prior to	A. No. I could hear when they knock and announce and then I could hear the actual breach, like a ram hitting a door. Q. So when the ramp hit the door, that
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2 3 4 5 6	October. Q. Okay. I'm sorry to hear that, sir. So do you recall anything that Sergeant Mellody, or anyone else who did the briefing, said prior to this operation about what to expect? A. Nothing in particular stands out, no. Q. Were you informed that this warrant	A. No. I could hear when they knock and announce and then I could hear the actual breach, like a ram hitting a door. Q. So when the ramp hit the door, that was loud enough that you could actually hear it hit the door from the rear of the building?
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4 (Pages 13 to 16)

	Page 17		Page 19
1	more or less the time between that and	1	called the knock and announce rule that requires
2	the one gunshot, that was maybe a	2	you to allow at least 30 to 60 seconds between
3	minute, minute and a half.	3	knocking on a front door and attempting to breach
4	BY MR. WEST:	4	the property, correct?
5	Q. I'm sorry. What was a minute to a	5	MR. ZURBRIGGEN: Object to form.
6	minute and a half?	6	Sir, you can answer.
7	A. Between the initial knock and	7	THE WITNESS: Yes.
8	announce and the gunshot.	8	BY MR. WEST:
9	Q. Are you familiar with something	9	Q. Now, when you say that there was 30
10	called the knock and announce rule?	10	to 60 seconds that passed in this case between the
11	A. Yes.	11	knock and announce and the breach, is that based
12	Q. What is the knock and announce	12	on your specific memory of this incident, or just
13	rule?	13	what you assume would have happened because that's
14	A. When you announce that you're	14	what normally would happen?
15	serving a warrant, you're supposed to give about	15	MR. ZURBRIGGEN: Object to form,
16	30 seconds to a minute before you breach the	16	but Officer, you can answer.
17	property.	17	THE WITNESS: It's based on my
18	Q. Is that the training that you	18	memory.
19	received from the Philadelphia Police Department	19	BY MR. WEST:
20	that, pursuant to the knock and announce rule, you	20	Q. Sir, have you had a chance to view
21	should allow at least 30 to 60 seconds between	21	the surveillance footage of the breach in this
22	knocking on a property prior to attempting to	22	incident?
23	breach the property?	23	A. No, I have not.
24	MR. ZURBRIGGEN: Object to form,	24	Q. Would you be surprised to learn
	Page 18		Page 20
1	but Officer, you can answer.	1	that the surveillance footage would indicate there
1 2	but Officer, you can answer. THE WITNESS: Yes.	1 2	that the surveillance footage would indicate there was about two seconds?
			_
2	THE WITNESS: Yes.	2	was about two seconds?
2	THE WITNESS: Yes. BY MR. WEST:	2	was about two seconds? MR. ZURBRIGGEN: Object to form.
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1	least 30 to 60 seconds under the knock and	1	done to prepare for today's testimony. So could
2	announce rule has be so routine in your	2	you just tell me what document you reviewed, but
3	experience, something you've experienced so many	3	again, don't I'm not asking you to volunteer
4	times, that you may remember this incident as a	4	any information about what you were told from the
5	time where that rule was followed because you've	5	attorney or what you told the attorney?
6	seen it followed so many times?	6	MR. ZURBRIGGEN: Do you understand
7	MR. ZURBRIGGEN: Object to form.	7	that question that he's asking you,
8	Officer, you can answer.	8	Officer?
9	THE WITNESS: I was going by my	9	THE WITNESS: I believe so.
10	memory from being in the rear and	10	MR. WEST: I'm gonna just ask a
11	listening to radio communication as to	11	clean question so we create a better
12	when they arrived. It's just based on	12	record.
13	my memory.	13	BY MR. WEST:
14	BY MR. WEST:	14	Q. Could you just tell me what
15	Q. Okay. Did you keep any sort of	15	document you did review in anticipation for
16	contemporaneous notes?	16	today's testimony?
17	A. I did not.	17	A. It was a document with a very brief
18	Q. Did you create any sort of audio or	18	description of the incident and there was a
19	visual recording?	19	statement that I had made to the Officer Involved
20	A. I did not.	20	Shooting Investigation Team.
21	Q. Are you aware of did you wear a	21	Q. So did you review the statement
22	body cam?	22	that you gave to Internal Affairs prior to today's
23	A. I did not.	23	testimony?
24	Q. Do you believe that any of the	24	A. No. That was the what I looked
	Q. Do you believe that any of the		71. 1vo. That was the what I looked
	Page 22		Page 24
	3		rage 24
1	officers on the scene were wearing body cams?	1	at was the interview at the Officer Involved
1 2		1 2	
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6 (Pages 21 to 24)

	Page 25		Page 27
1	the form of the question.	1	warrant in multi based on my
2	MR. WEST: That's fine.	2	experience, if there is knowledge that
3	BY MR. WEST:	3	it is an apartment building, then the
4	Q. So the document that you reviewed,	4	warrant should and normally would
5	did it make any reference to the knock and	5	specify that there is an apartment
6	announce rule?	6	number and what the apartment number
7	A. It did not.	7	would be.
8	Q. Prior to arriving at the property,	8	BY MR. WEST:
9	did you know whether or not there was a rear door?	9	Q. Okay. And in this incident, did
10	A. Yes.	10	the warrant specify strike the question.
11	Q. What were you told about the how	11	In this incident, did the warrant
12	did you know there was a rear door?	12	specify a specific apartment number?
13	A. Based on the description given	13	MR. ZURBRIGGEN: Object to form.
14	during the reconnaissance and on the	14	You can answer, if you can.
15	reconnaissance sheet.	15	THE WITNESS: I'm sorry. I did
16		16	not see the warrant.
17	Q. And what were you told about the rear door prior to the operation?	17	BY MR. WEST:
18	MR. ZURBRIGGEN: Object to form.	18	Q. Okay. But you did get a briefing
19	Officer, you can answer.	19	prior to the operation?
20	THE WITNESS: Not much. Just that	20	A. Correct.
21	it was accessible from the rear	21	Q. And during that briefing, did you
22	driveway, the view of the rear,	22	learn one way or another whether or not the
23	including the rear door. Nothing else	23	warrant specified a specific apartment number?
24	in particular about it.	24	A. It did not specify a specific
	in particulai about it.		
	Page 26		D 00
	1 age 20		Page 28
1	BY MR. WEST:	1	apartment.
1 2	BY MR. WEST: Q. Do you know why the entry team	1 2	apartment. Q. The suspect for whom the warrant
	BY MR. WEST:		apartment. Q. The suspect for whom the warrant applied strike the question.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. WEST: Q. Do you know why the entry team attempted to enter the property through the front door, rather than the rear door? MR. ZURBRIGGEN: Object to form, but Officer, you can answer, if you can. THE WITNESS: Based on the way it looks and based on the way the rear looks, it looks like a regular row home. So normally on a regular home, we would enter through the front door. BY MR. WEST: Q. Why? A. Why? I'm sorry. You said Why? Q. Yeah. A. Just based on that, because the easiest access point is through the front door. Q. Sir, have you ever received any training from the Philadelphia Police Department about how to enforce a warrant at a multi residence building? MR. ZURBRIGGEN: Object to form,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	apartment. Q. The suspect for whom the warrant applied strike the question. The suspect for whom the warrant was valid, did you have any knowledge whether or not that person's residence was accessible through the front door or the rear door? MR. ZURBRIGGEN: Objection to form. Officer, you can answer, if you can. THE WITNESS: I can only state what the reconnaissance sheet stated and it stated it was a row home. BY MR. WEST: Q. Do you actually recall if the reconnaissance sheet specifically said row home on it? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Based on the actual word, the phrase, row home, off the top of my head, no. BY MR. WEST:

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1	Page 29		Page 31
	apartments accessible through different doors;	1	Q. Sir, to be clear, I'm not asking
2	have you ever heard of anything like that?	2	you to speculate. I'm asking based on the
3	MR. ZURBRIGGEN: Object to form.	3	training that you've received as a member of the
4	Officer, you can answer.	4	SWAT Unit. Let me lay a foundation. I think
5	THE WITNESS: Yes.	5	you've already alluded to this, but just to lay a
6	BY MR. WEST:	6	foundation.
7	Q. So prior to June 2021, you knew,	7	As part of your role with the SWAT
8	even in a row home, all of the apartments in that	8	Unit for the Philadelphia Police Department, have
9	building might not be accessible through the front	9	you personally been responsible for conducting
10	door, correct?	10	reconnaissance prior to warrant enforcement
11	MR. ZURBRIGGEN: Object to form.	11	operations?
12	Officer, you can answer.	12	A. Yes.
13	THE WITNESS: Correct.	13	Q. As far as you're aware, have you
14	BY MR. WEST:	14	received all of the training available to a member
15	Q. And how did you know that?	15	of the SWAT Unit to prepare them to do
16	MR. ZURBRIGGEN: Same objection.	16	reconnaissance on a warrant enforcement operation?
17	Officer, you can answer.	17	MR. ZURBRIGGEN: Object to form.
18	THE WITNESS: You're asking how do	18	Officer, you can answer.
19	I know that row homes can be divided	19	THE WITNESS: Yes.
20	into apartments?	20	BY MR. WEST:
21	BY MR. WEST:	21	Q. So far as you're aware, have you
22	Q. Right. I'm just saying you've	22	been informed of all of the policies and
23	testified a moment ago that even before June 2021,	23	procedures of the Philadelphia Police Department
24	you were perfectly aware that in a multi residence	24	that apply to the SWAT Unit?
	Page 30		Page 32
1	row home type building, the front door might not	1	MR. ZURBRIGGEN: Same objection.
2	provide access to all of the apartments in the	2	Officer, you can answer.
3	building. I'm just wondering how did you gain	3	THE WITNESS: Yes.
4	that information?	4	BY MR. WEST:
5	MR. ZURBRIGGEN: Object to form.	5	Q. So with that background in mind and
6	Officer, you can answer.	6	
-			the personal experience you've already referred
7	THE WITNESS: That's based on my	7	to, if you were tasked with doing a reconnaissance
7 8	experience with other recons, other	7	to, if you were tasked with doing a reconnaissance on a multi residence apartment building, where the
9	experience with other recons, other warrants that we've served in the past.	7 8 9	to, if you were tasked with doing a reconnaissance on a multi residence apartment building, where the warrant specified that it only applied to the
9 10	experience with other recons, other warrants that we've served in the past. BY MR. WEST:	7 8 9 10	to, if you were tasked with doing a reconnaissance on a multi residence apartment building, where the warrant specified that it only applied to the apartment number two, second floor rear, and you
9 10 11	experience with other recons, other warrants that we've served in the past. BY MR. WEST: Q. So based on this experience that	7 8 9 10 11	to, if you were tasked with doing a reconnaissance on a multi residence apartment building, where the warrant specified that it only applied to the apartment number two, second floor rear, and you knew that there was a rear door and you knew that
9 10 11 12	experience with other recons, other warrants that we've served in the past. BY MR. WEST: Q. So based on this experience that you're referring to, if the warrant in question	7 8 9 10 11 12	to, if you were tasked with doing a reconnaissance on a multi residence apartment building, where the warrant specified that it only applied to the apartment number two, second floor rear, and you knew that there was a rear door and you knew that there was a front door to the building, would you
9 10 11 12 13	experience with other recons, other warrants that we've served in the past. BY MR. WEST: Q. So based on this experience that you're referring to, if the warrant in question actually referred specifically and exclusively to	7 8 9 10 11 12 13	to, if you were tasked with doing a reconnaissance on a multi residence apartment building, where the warrant specified that it only applied to the apartment number two, second floor rear, and you knew that there was a rear door and you knew that there was a front door to the building, would you at least consider the possibility that the front
9 10 11 12 13	experience with other recons, other warrants that we've served in the past. BY MR. WEST: Q. So based on this experience that you're referring to, if the warrant in question actually referred specifically and exclusively to apartment two on the second floor rear, would you	7 8 9 10 11 12 13 14	to, if you were tasked with doing a reconnaissance on a multi residence apartment building, where the warrant specified that it only applied to the apartment number two, second floor rear, and you knew that there was a rear door and you knew that there was a front door to the building, would you at least consider the possibility that the front door did not provide entrance to the second floor
9 10 11 12 13 14	experience with other recons, other warrants that we've served in the past. BY MR. WEST: Q. So based on this experience that you're referring to, if the warrant in question actually referred specifically and exclusively to apartment two on the second floor rear, would you have at least considered the possibility that the	7 8 9 10 11 12 13 14 15	to, if you were tasked with doing a reconnaissance on a multi residence apartment building, where the warrant specified that it only applied to the apartment number two, second floor rear, and you knew that there was a rear door and you knew that there was a front door to the building, would you at least consider the possibility that the front door did not provide entrance to the second floor rear apartment?
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9 10 11 12 13 14 15 16 17 18 19 20 21	experience with other recons, other warrants that we've served in the past. BY MR. WEST: Q. So based on this experience that you're referring to, if the warrant in question actually referred specifically and exclusively to apartment two on the second floor rear, would you have at least considered the possibility that the front door might not lead to the second floor rear apartment? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: You're asking me to speculate whether or not I would know that in an apartment a door may not lead	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	to, if you were tasked with doing a reconnaissance on a multi residence apartment building, where the warrant specified that it only applied to the apartment number two, second floor rear, and you knew that there was a rear door and you knew that there was a front door to the building, would you at least consider the possibility that the front door did not provide entrance to the second floor rear apartment? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes, I would consider that. BY MR. WEST: Q. So would you try to get additional

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Page 33 Page 35 1 1 MR. ZURBRIGGEN: Same objection. could you have sent in an entry team of SWAT Unit 2 2 Officer, you can answer. officers to breach that front door in order to 3 THE WITNESS: Yes. 3 gain access to apartment two on second floor rear? 4 BY MR. WEST: 4 MR. ZURBRIGGEN: Object to form. 5 And what steps would you take to 5 Officer, you can answer, if you can. 6 try to gain additional information? 6 THE WITNESS: Based on what makes 7 MR. ZURBRIGGEN: Same objection. 7 sense, if you're given the information 8 Officer, you can answer. 8 that that front door leads directly into 9 THE WITNESS: If I have access to 9 the actual apartment, as opposed to, 10 that information, I'd probably look up 10 also in our experience, that front door 11 like a city database and find out 11 may lead to a set of stairs that go to a 12 exactly what type of dwelling it is. 12 second floor apartment, but if the 13 Ask the detectives to possibly set up a 13 information that you're given says that 14 surveillance to see if they make a 14 that front door leads directly into say 15 determination, based on the 15 the living room of that first floor 16 surveillance, what entrance to use 16 apartment, then it makes sense that the 17 specifically for something like that. 17 entrance to the second apartment is 18 BY MR. WEST: 18 somewhere else. 19 How about would you consider 19 BY MR. WEST: 20 contacting the property manager or the property 20 Q. Okay. Thanks for you testimony, 21 owner? 21 sir. I just want to bring you back though to the 22 MR. ZURBRIGGEN: Same objection. 22 exact question that I asked. Really this is a 23 Officer, you can answer. 23 question of your understanding of the policies and 24 THE WITNESS: Usually that's not a 24 procedures of the Philadelphia Police Department. Page 34 Page 36 1 1 good idea based on the sensitivity of If you knew that that first floor 2 2 the information. door led directly into the living room of 3 BY MR. WEST: 3 apartment one on the first floor, would it have 4 4 Q. Okay. If you had conducted a been permissible under the Philadelphia policies 5 5 surveillance operation or actually ordered a and procedures to have breached that front door in 6 6 surveillance operation to be conducted, or asked an effort to gain access to apartment two rear on 7 7 for one to be conducted, and that had revealed the second floor? 8 8 that the door to the first floor led directly into MR. ZURBRIGGEN: Object to form. 9 9 a first floor apartment, would that be enough Officer, you can answer, if you can. 10 10 THE WITNESS: No, I would not information for you to understand that the first 11 11 floor apartment provided direct entry to an breach that front door based on that 12 12 information. apartment or a residence that was not the second 13 13 BY MR. WEST: floor rear apartment? 14 14 MR. ZURBRIGGEN: Object to form. Q. Based on your training with the 15 15 Officer, you can answer, if you can. Philadelphia Police Department, did you understand 16 THE WITNESS: If I knew in fact 16 that it actually would have been illegal to have 17 that very detailed information, yes. 17 entered the other residence, the apartment number 18 BY MR. WEST: 18 one, without a warrant that applied to apartment 19 19 Q. Now, if you know that, if you knew number one? 2.0 2.0 that the front door, if you open that door, you're MR. ZURBRIGGEN: Same objection. 21 21 walking directly into an apartment or a residence Officer, you can answer. 22 22 which is not the second floor rear apartment, THE WITNESS: Correct. 23 23 BY MR. WEST: based on your understanding of the policies and 24 24 procedures of the Philadelphia Police Department, So based on the training that you

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	Page 37		Page 39
1	received, are these the sort of things that the	1	direct what?
2	Reconnaissance Unit should try to figure out	2	BY MR. WEST:
3	before they do a warrant enforcement, what doors	3	Q. This is a new question. Prior to
4	lead where?	4	June 2021, were there any directives from the
5	MR. ZURBRIGGEN: Object to form.	5	Philadelphia Police Department pertaining to dog
6	Officer, you can answer.	6	encounters, to your knowledge?
7	THE WITNESS: If the information	7	A. Yes.
8	based on the recon is clear, then yes,	8	Q. And how did you gain that
9	you definitely give that information.	9	knowledge?
10	BY MR. WEST:	10	MR. ZURBRIGGEN: Object to form.
11	Q. Right, but I'm asking is this the	11	Officer, you can answer.
12	sort of thing that the reconnaissance is for, to	12	THE WITNESS: In regards to the
13	try to figure out these sort of issues ahead of	13	directive, from reading the directive.
14	time?	14	BY MR. WEST:
15	MR. ZURBRIGGEN: Same objection.	15	Q. Right. How did you do that? How
16	THE WITNESS: Yes.	16	did the existence of this directive come to your
17	BY MR. WEST:	17	attention?
18	Q. Just because we're speaking at the	18	MR. ZURBRIGGEN: Object to form.
19	same time, your answer was yes, correct, sir?	19	Officer, you can answer.
20	A. Correct, yes.	20	THE WITNESS: Whenever there's any
21	Q. In your time with the Philadelphia	21	changes, we're updated on changes, and
22	Police Department, have you ever received any	22	also just from reading it on my own.
23	training as to how to handle an encounter with a	23	BY MR. WEST:
24	dog if you are entering a residence?	24	Q. Okay. I know this question might
	Page 38		_ 40
	Page 36		Page 40
1	MR. ZURBRIGGEN: Object to form.	1	Page 40 seem really obvious because it's your world and
1 2		1 2	seem really obvious because it's your world and you're dealing with it all the time, but could you
	MR. ZURBRIGGEN: Object to form.		seem really obvious because it's your world and
2	MR. ZURBRIGGEN: Object to form. Officer, you can answer.	2	seem really obvious because it's your world and you're dealing with it all the time, but could you
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2 3 4 5	MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes, I have. BY MR. WEST: Q. And where did you receive that training? A. Part of it is SWAT training, part	2 3 4 5	seem really obvious because it's your world and you're dealing with it all the time, but could you just explain to us mechanically how do you physically became aware of an update in the directives? MR. ZURBRIGGEN: Object to form. Officer, you can answer.
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10 (Pages 37 to 40)

	Page 41		Page 43
1	Officer, you can answer.	1	never seen a police officer use a
2	THE WITNESS: Yes.	2	muzzle. We don't have equipment such as
3	BY MR. WEST:	3	a muzzle for a dog.
4	Q. Your answer was yes, right?	4	BY MR. WEST:
5	A. Yes.	5	Q. Do you recall if muzzles are
6	Q. If we have deposed a bunch of	6	referred to in the directive?
7	officers in this case who deny being aware of the	7	MR. ZURBRIGGEN: Same objection.
8	existence of a relevant directive, do you have any	8	THE WITNESS: I don't recall that.
9	personal knowledge of how they might not have	9	BY MR. WEST:
10	known that?	10	Q. Do you recall if batons are
11	MR. ZURBRIGGEN: Object to form.	11	referred to in the directive?
12	It was misstating testimony. Officer,	12	MR. ZURBRIGGEN: Same objection.
13	you can answer, if you can.	13	Officer.
14	THE WITNESS: If they're not aware	14	THE WITNESS: Against a dog attack,
15	of it, there may have been a delay from	15	I don't recall that.
16	the time that directed was issued to the	16	BY MR. WEST:
17	time that they were given that	17	Q. In any case, prior to June 2021,
18	information.	18	you were aware of the fact that the Philadelphia
19	BY MR. WEST:	19	Police Department had provided guidance that if a
20	Q. Now, to your recollection, does the	20	member of the SWAT Unit knew they were likely to
21	directive from the Philadelphia Police Department,	21	encounter a dog, they should consider having tools
22	pertaining to dog encounters, give any sort of	22	ready that could be used to avoid a fatal
23	guidance as to what an officer can do to avoid a	23	encounter, correct?
24	lethal encounter if they believe that they're	24	MR. ZURBRIGGEN: Object to form.
	Page 42		Da 22 44
			Page 44 I
1		1	Page 44 Officer you can answer
1 2	gonna have an interaction with the dog?	1 2	Officer, you can answer.
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11 (Pages 41 to 44)

Page 45 Page 47 1 1 you're gonna give the person inside, you should you create some sort of plan to try to 2 2 know, the suspect on the warrant. You handle the dog in a non-lethal manner? 3 have to, at some point, take officer 3 MR. ZURBRIGGEN: Object to form. 4 safety into consideration as to how much 4 Officer, you can answer. 5 time you're gonna take. 5 THE WITNESS: Yes, it could be 6 BY MR. WEST: 6 brought up that someone should keep 7 Right, I understand that. I'm 7 maybe an MK9 pepper spray, which is a 8 trying to figure out whether or not, in your 8 larger canister of pepper spray, and if 9 experience, the existence of a dog barking inside 9 they can, in that situation, when the 10 the property would create some sort of exception 10 property is breached, get to that dog in 11 to the knock and announce rule? 11 some way without creating a dangerous 12 MR. ZURBRIGGEN: Same objection. 12 situation for the team entering, then 13 Officer, you can answer. 13 yes. 14 THE WITNESS: No, it doesn't change 14 BY MR. WEST: 15 that. 15 Sir, in a situation in which there Q. 16 BY MR. WEST: 16 are no exigent circumstances, if you were planning 17 You've never heard anything about 17 on entering a residence and you know that there 18 that in your training, correct? 18 was a barking dog near the door, would you 19 MR. ZURBRIGGEN: Same objection. 19 consider contacting Animal Control prior to 20 BY MR. WEST: 20 entering the property? 21 Q. That you don't have to wait after 21 MR. ZURBRIGGEN: Object to form. 22 knocking because there's a dog barking? 22 Officer, you can answer. 23 MR. ZURBRIGGEN: Same objection. 23 THE WITNESS: In a high risk 2.4 THE WITNESS: I've never heard 24 warrant, the exigent circumstances are Page 46 Page 48 1 1 already there. It's understood based on that. 2 BY MR. WEST: 2 that because we're serving a high risk 3 Q. Actually, in your experience, if 3 warrant. 4 4 you're planning to do a warrant enforcement BY MR. WEST: 5 5 operation and there are no exigent circumstances, Could you elaborate what you mean Q. 6 6 if you can hear that there's a dog barking inside by that? 7 7 the property, that would slow you down a little Sure. The reason why the SWAT Unit 8 8 bit, so that you can get out non-lethal tools and is used is because it's a high risk warrant. 9 9 try to have some sort of plan for handling the That means that the person that the warrant is for 10 10 dog, correct? is armed and dangerous, has committed a violent 11 11 MR. ZURBRIGGEN: Object to form. crime, and poses a danger to a person who would be 12 12 Officer, you can answer. let's say non SWAT, such as uniform personnel. 13 13 THE WITNESS: The issue with that That person inside the property would pose an 14 14 is that our warrant basically is not for immediate danger to anyone else that does not have 15 15 the dog. It's for the dangerous person the kind of equipment that we do. 16 16 inside that property. So a dog takes a All right, sir. So in your 17 second seat, I guess you could say, to 17 experience, if the SWAT Unit is enforcing a 18 the danger that that person inside can 18 warrant at someone's residence, there's already a 19 19 built in presumption that the person inside of pose to our team. 2.0 2.0 BY MR. WEST: that residence poses an immediate danger, correct? 21 21 Q. In your experience with the MR. ZURBRIGGEN: Object to form. 22 22 Philadelphia Police Department, if you're planning THE WITNESS: Correct. 23 23 BY MR. WEST: on enforcing a warrant at a residence and you know 24 24 that there's a barking dog inside the residence, So doesn't that make it all the

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	Page 49		Page 51
1	more important for the reconnaissance team to make	1	THE WITNESS: I don't recall.
2	sure that they're sending the SWAT unit into the	2	BY MR. WEST:
3	right person's house before there's a breaching	3	Q. If Sergeant Mellody had been the
4	action?	4	person responsible for reconnaissance, did it
5	MR. ZURBRIGGEN: Object to form.	5	appear to you that he was trying to find a
6	Officer, you can answer.	6	justification for having botched the job by
7	THE WITNESS: Yes.	7	pointing out these issues?
8	BY MR. WEST:	8	MR. ZURBRIGGEN: Object to form.
9	Q. Did you ever have any encounter	9	Officer.
10	with Ms. Alvarado at any point?	10	THE WITNESS: I can't say what his
11	A. I did not.	11	state of mind was.
12	Q. Did you at any point enter her	12	BY MR. WEST:
13	residence?	13	Q. Sir, is it your testimony that
14	A. I did not.	14	after Ms. Alvarado's dog had been killed, Sergeant
15	Q. Did you ever hear Lieutenant Monk	15	Mellody discussed with you the markings on the
16	say anything about this incident at any time, in	16	
17		17	property? MB_ZUBBBIGGEN; Object to form
18	any capacity? MR. ZURBRIGGEN: Object to form,	18	MR. ZURBRIGGEN: Object to form. Officer, you can answer.
19	but Officer, you can answer.	19	THE WITNESS: He basically just
20	THE WITNESS: I don't recall. Not	20	asked us to look at it and to kind of
21		21	
22	to me directly. BY MR. WEST:	22	like let's say get a second look at it, just to double check to make sure there
23	Q. Did you ever hear Sergeant Mellody	23	was nothing in particular that we saw in
24	say anything about this incident in any capacity?	24	regards to any particular markings on
	say anyuning about this includent in any capacity:		regards to any particular markings on
	Page 50		Page 52
1	MR. ZURBRIGGEN: Same objection.	1	this property on the rear.
1 2	MR. ZURBRIGGEN: Same objection. Officer, you can answer.	1 2	this property on the rear. BY MR. WEST:
	•		
2	Officer, you can answer.	2	BY MR. WEST: Q. Did Sergeant Mellody ever tell you about any effort he had made whatsoever to
2	Officer, you can answer. THE WITNESS: Yes.	2	BY MR. WEST: Q. Did Sergeant Mellody ever tell you
2 3 4	Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. What did Sergeant Mellody say? A. After the warrant was served, he	2 3 4 5	BY MR. WEST: Q. Did Sergeant Mellody ever tell you about any effort he had made whatsoever to ascertain where the rear door to this property led?
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Page 53 Page 55 1 1 could say, additional entryways. For example, if A. No. It looked exactly like the 2 2 we use -- if we were to serve a warrant in a other properties at the back of that. 3 3 multi story dwelling, then we have to make a Did the other properties on that 4 4 determination of how to get into the first door, driveway have any kind of markings on the back 5 5 how to get into a second door, if needed, and then door? 6 6 how to access that particular floor that the A. 7 7 apartment is on. That's something that all has to Q. Officer, I want to ask you just 8 8 get taken into consideration. generally, you mentioned that your understanding 9 9 Right, sir. If you were to plan an is that pepper spray can be used on dogs; is that 10 10 operation to enforce a warrant for an apartment correct? 11 11 A. that was on the third floor of an apartment Yes. 12 12 When considering whether to use building, wouldn't you have to do reconnaissance O. 13 13 to figure out how the officers could gain entry to pepper spray, do you consider whether it's inside 14 the apartment on the third floor without entering 14 or outside of a property? 15 15 any of the other apartments in the building, so A. Whether the dog is outside the 16 long as the warrant only applied to the apartment 16 property? 17 17 on the third floor? Q. Yes, whether the pepper spray 18 18 MR. ZURBRIGGEN: Object to form. would be used inside or outside of the property. 19 19 Officer, you can answer. A. 20 20 THE WITNESS: Yes. Q. What do you consider? Can you 21 21 BY MR. WEST: just explain what you would consider in that 22 22 And that's the kind of thing that situation? 23 23 you were specifically trained how to do as part of A. Yes. Based on the volume of pepper 24 24 the reconnaissance, correct? spray that comes out of that cannister, if it's Page 54 Page 56 1 done in a closed or a tight area, the residual MR. ZURBRIGGEN: Same objection. 2 2 THE WITNESS: Yes. spray will effect the rest of the team. So it has 3 MR. WEST: Sir, your attorney might 3 to be considered -- you have to take into 4 consideration how much you can use on a particular 4 have some questions for you, but I think 5 5 those are all the questions I have for dog. 6 6 you today. Thank you very much time for Then I want to clarify too, did you 7 7 your time. understand when you and the remainder of the SWAT 8 8 Team were executing the warrant on that day that 9 9 **EXAMINATION** this was a homicide suspect that you were 10 10 executing a warrant for? 11 11 BY MR. ZURBRIGGEN: A. If the -- normally that information 12 Officer, I'll just have a few very, 12 would be on the reconnaissance sheet, yes. 13 13 very briefly and few questions to ask. MR. ZURBRIGGEN: Officer, that's 14 14 I want to ask you first -all I have, unless Keith has any 15 15 Plaintiff's Counsel asked you a few questions follow-up from that. 16 regarding what you and Sergeant Mellody discussed 16 MR. WEST: I just have a follow-up 17 regarding the back door. I wanted to ask you, do 17 on one issue. 18 you recall seeing the back door before the front 18 19 19 door was breached? **EXAMINATION** 20 2.0 I could not see the back door 21 21 BY MR. WEST: because it was facing to the right. 22 22 Do you recall seeing, prior to the Sir, the defense attorney asked you 23 breaching of the front door, anything that 23 if you could see the rear door prior to the 24 indicated to you what that back door led to? breach. Do you recall that?

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	Page 57		Page 59
1	A. Yes.	1	certain angle, where you didn't have a direct view
2	Q. I don't have a copy of the	2	of the door at a particular time, you were
3	transcript in front of me. Was your answer that	3	perfectly aware of the existence of the door in
4	you could not see the door at all?	4	the rear of the house, prior to the breach,
5	A. I could see that it was facing to	5	correct?
6	the right and I could see it partially based on	6	MR. ZURBRIGGEN: Object to form.
7	the angle that I was on.	7	Officer, you can answer.
8	Q. Could you elaborate what you mean	8	THE WITNESS: Yes.
9	by that?	9	BY MR. WEST:
10	A. I might have been on the left side	10	Q. And was part of the purpose of the
11	of that property and Officer Rivera would have	11	rear containment part of the operation to have a
12	been on the right side facing the rear. So he	12	couple of officers behind the building who could
13	would have had a better angle on it.	13	-
14	Q. Prior to Ms. Alvarado's door being	14	intercept anyone who might coming running out the rear door?
15	breached, did you know that there was a rear door	15	
16	that you could see?		MR. ZURBRIGGEN: Object to form.
17	A. I don't recall.	16	Officer, you can answer.
18	Q. Okay. So you think it's possible	17	THE WITNESS: Yes, that's part of
19	that you were in the rear of the property, but	18	the assignment.
20	you didn't know there was a door back there?	19	BY MR. WEST:
21	MR. ZURBRIGGEN: Object to form,	20	Q. So regardless of whether or not you
22	but Officer, you can answer.	21	could physically see the rear door at any time,
23	THE WITNESS: I knew there was a	22	you actually were where you were, at least in
24	door back there.	23	part, to monitor that door, correct?
	door blek there.	24	MR. ZURBRIGGEN: Object to form.
	Page 58		Page 60
1	BY MR. WEST:	1	THE WITNESS: Correct.
2	Q. Okay. Are you saying that you were	2	MR. WEST: Thank you very much,
3	placed physically in some location other than	3	sir.
4	behind the house?	4	MR. ZURBRIGGEN: No follow-up here.
5	MR. ZURBRIGGEN: Object to form.	5	•
	White Echtbiddelia. Object to form.	1	Officer, thank you very much for your
6	•	6	Officer, thank you very much for your time.
6 7	Officer, you can answer.		Officer, thank you very much for your time.
	•	6	time.
7	Officer, you can answer. THE WITNESS: No. I was directly	6 7	
7	Officer, you can answer. THE WITNESS: No. I was directly behind the house.	6 7 8	time (Whereupon, the deposition
7 8 9	Officer, you can answer. THE WITNESS: No. I was directly behind the house. BY MR. WEST:	6 7 8 9	time. (Whereupon, the deposition concluded at 11:05 a.m.)
7 8 9 10	Officer, you can answer. THE WITNESS: No. I was directly behind the house. BY MR. WEST: Q. Not to go on, but I'm just	6 7 8 9	time. (Whereupon, the deposition concluded at 11:05 a.m.)
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1		
2	CERTIFICATION	
3		
4	I, DAWN M. BURR, hereby certify	
5	that the foregoing is a true and correct	
6	transcript transcribed from the stenographic notes	
7	taken by me on Tuesday, May 23, 2023.	
8	taken by the on Tuesday, May 23, 2023.	
9		
10	Sawn M.	
11	DAWN M. BURR	
12		
13	Shorthand Reporter	
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EXHIBIT "I"

VERONIQUE N. VALLIERE, PSY.D. VALLIERE & COUNSELING ASSOCIATES, Inc.

Forensic Treatment Services

P.O. Box 864 Fogelsville, PA 18051 Telephone: (610) 530-8392

Fax: (610) 530-8940

Clinical Evaluation

Client: Alvarado, Felishatay Clinician: Veronique N. Valliere, Psy.D.

DOB: 12/1/89 **Date of Report:** 10/24/23

Referral Source: Victims' Recovery Law Center **Dates of Interviews:** 7/12/23; 8/4/23

Reason for Referral

Ms. Alvarado was referred for an evaluation to assess the psychological, emotional, and social impact of an incident involving police officers who entered her home and shot her dog. Officers were attempted to execute a warrant and entered Ms. Alvarado's home, the wrong address. During the breach of Ms. Alvarado's apartment, officers killed Ms. Alvarado's dog and terrified Ms. Alvarado. Ms. Alvarado is involved in a lawsuit against the City of Philadelphia and multiple co-defendants for their "collective gross negligence, careless, reckless, willful and wanton disregard for the rights and safety of" Ms. Alvarado. The referral questions include:

- The nature of any psychological harm caused to the victim as a result of the alleged abuse;
- Whether the victim has recovered from the harm or continues to suffer from the harm;
- Her prognosis with respect to recovery, and how and for how long the harm will impact her life;
- Treatment recommendations if necessary, and if required, the nature, extent, and expected duration of the treatment.

Ms. Alvarado appeared as scheduled for her evaluation, which was performed on a secure video platform for a total of 3.0 hours, including testing. Testing was administered via secure link. Ms. Alvarado was coherent and oriented throughout her interview. She demonstrated no overt signs of confusion, incoherence, or psychosis during the interview. The purpose of the interview and the limits to confidentiality were explained. Ms. Alvarado understood that the disclosures she made, and the results of testing would be written into an evaluation for her attorney. It appeared that her competence to participate in the interview was not compromised in any way. There was nothing to suggest that her ability to consent to the interview was significantly compromised.

This evaluation is limited to the information attained by history, records, interview, collateral contacts, and test results. New or supplemental information potentially could impact the opinions offered in this report. If new or contradictory information is obtained, this examiner would require review of the information to incorporate that information into the formulation of this report. Any self-report can be impacted by bias. However, Ms. Alvarado's reported history was entirely consistent with the provided information. There is no reason to question the legitimacy of her self-report.

Test & Techniques

Clinical Interview (total 3 hours) Collateral Interviews

Ms. Yara Alvarado – sister (25 minutes)

Alvarado, Felishatay page 2

Confidential Evaluation

Review of Records:

Body Cam Videos of Interviews of F. & Y. Alvarado on 6/4/21

Deposition of F. Alvarado dated 8/11/23

Deposition of Y. Alvarado dated 8/28/23

Encounter Note - Greater Philadelphia Health Action, Inc. (GPHA) dated 3/8/23

ESA Verification #ESA3691099894 by F. Welch, MD dated 4/24/21

Ledger from Greater Philadelphia Health Action, Inc. (GPHA)

Plaintiff's Amended Complaint with Exhibit

Plaintiff's Responses to Defendant's First Set of Interrogatories and Requests for Production

Testing:

Personality Assessment Inventory (PAI)

Trauma Symptom Inventory – 2nd Edition (TSI-2)

Qualifications of Examiner

I am a licensed clinical psychologist and have worked in the field of interpersonal violence for 30 years. I received my doctorate in Clinical Psychology from the Graduate School of Applied and Professional Psychology of Rutgers University in January 1993. I became licensed as a Psychologist in May 1995. I have gained my knowledge through my own studies and clinical work treating hundreds of victims of assault. Additionally, having evaluated, interviewed, and/or treated thousands of offenders, I have learned about the methods employed by sexual offenders and the dynamics of sexual abuse, along with the ways in which victims have responded to their assaults and the traumatic impact of sexual assault.

I am the owner/operator of two outpatient treatment centers, one for victims of violence and the other for offenders of violence. I provide treatment, evaluations, and consultation, as well as supervise the work of numerous other clinicians. I have served as an expert in courts across the country and internationally and with all branches of the military. I have served as a consultant and/or expert witness in over 150 courts martials and in many other trials as an expert in clinical psychology, forensic psychology, victim dynamics and response to violence/abuse, trauma, and offender risk, dynamics, and rehabilitation potential. I have also served as an evaluator in civil court in cases involving damages to victims related to abuse or assaults they have experienced at the hands of an individual or involving the neglect or failure to act by an agency or organization. I have served on the Pennsylvania Sexual Offender Assessment Board since 1997, performing thousands of offender evaluations.

I act as a consultant and trainer for many agencies and organizations. I have provided training nationally and internationally for such agencies as the Federal Bureau of Investigations, the Department of Defense, the Department of Justice, the Bureau of Indian Affairs, all branches of the military, and for agencies and institutions in other countries. I have testified regarding sexual assault in the military to the U.S. Congress and to the Pennsylvania General Assembly regarding a number of laws and issues involving sexual assault and violence. I have consulted with the Department of Defense and the U.S. Department of Justice in policy creation regarding sexual assault and understanding sexual offenders. I contributed to the Prison Rape Elimination Act (PREA). I have been consulted as an expert on sexual assault and domestic violence in media articles, and I have appeared on television and radio shows.

I have written three books published by Routledge Press, <u>Understanding Victims of Interpersonal Violence</u> (2019), <u>Unmasking the Sexual Offender</u> (2023), and <u>Successful Prosecution of Intimate Violence</u> (2023), regarding topics related to the substance of my Expert Report. The former is a guide for investigators and prosecutors designed to provide accessible information for personnel "in the trenches" with victims of violence to aid in understanding and explaining their behavior. The second provides information about the motivations, techniques, and dynamics of sexual offenders and their behaviors and outlines ways in which offenders manipulate and exploit others.

Confidential Evaluation

Compensation

Valliere & Counseling Associates, Inc. is being compensated for its time at hourly rates and, for its out-of-pocket expenses, at cost. My hourly rate is \$350.00, up to \$3500.00 per day. The compensation paid to Valliere & Counseling Associates, Inc. is not contingent upon the nature or substance of my findings or on the outcome of this matter.

Offense/Incident Information

Ms. Alvarado lived alone in Philadelphia, renting a first-floor apartment with her two dogs, three cats, and bird. Ms. Alvarado was living a quiet life, where she supported herself on Social Security Disability and occasional jobs she could hold when she felt well enough. Ms. Alvarado suffers from Von Willebrand disease, a bleeding disorder that prevents the individual's blood from clotting properly. She often felt poorly, with fatigue and pain from the disorder. Ms. Alvarado also suffered from anxiety and depression, lifelong issues that began in her early teen years, but worsening significantly since her mother's death in 2013.

After a period of depression and grief when her mother died, Ms. Alvarado adopted her Akuma, who provided emotional support and protection for her. He, along with Ms. Alvarado's smaller dog Penelope, became certified as emotional support animals in April 2021, to assist Ms. Alvarado with her "high stress levels." Her dog and other pets were her primary sources of solace and companionship. "My animals were the only thing I got out of bed for," she said, describing how her pets kept her going when she was severely depressed. Akuma, a pit bull, also helped Ms. Alvarado feel safe and protected as a single woman living alone in Philadelphia. She trained him well and he was "the love of [her] life."

On June 4, 2021, at approximately 5:00 in the morning, Ms. Alvarado was getting up and getting ready for work, preparing to get in the shower. She had on a tank top, wrapping her naked lower half with a towel. On the way to the shower, Ms. Alvarado heard her small parrot screaming "an alert," so went to her living room went to see what was happening. Suddenly, her door was smashed in, followed by numerous police officers. As Ms. Alvarado used multiple deadbolts on her door, the crash was significant. The officers began shouting and Ms. Alvarado's dogs began barking. She was ordered to sit on the floor, half-naked. Ms. Alvarado immediately called to her pit bull Akuma, telling him to "calm." He sat beside her and stopped barking. Ms. Alvarado asked the police to allow her to put the dogs in their kennel. However, the police "just shot Akuma." She said the dog was not barking or growling when he was shot.

Ms. Alvarado was immediately grief stricken when she heard the gunshot. Penelope, her small dog, ran to her, screaming and yelping loudly. Penelope was shaking and urinated on Ms. Alvarado, as Ms. Alvarado was sitting on the floor trying to calm the little dog. The police would not let her get up and would not tell Ms. Alvarado what had happened, simply commanding her to "be quiet, don't move." Ms. Alvarado felt panicky. She could not see Akuma but knew that he screamed when he was shot. Ms. Alvarado remained sitting on the floor for "a half hour." She saw one officer "kick" at the dog. After, Ms. Alvarado said that the police did not want to give her the dog's body. She had to advocate to get Akuma's body for cremation. When Ms. Alvarado did get her dog's body, she saw that he had been shot in the face.

The investigation revealed that officers falsely believed that Ms. Alvarado's apartment gave them access to a second-floor apartment where they were trying to serve the warrant. They ignored Ms. Alvarado when she tried to inform them that they could not reach the other apartment from her and had entered her home under problematic expectations. Ms. Alvarado had to remain on the floor on her knees, halfnaked, without information and terrified, smelling her dog's blood for about a half hour. During the incident, Ms. Alvarado's sister came over, screaming for Ms. Alvarado because she heard the gunshot and did not know if Ms. Alvarado had been shot.

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Ms. Alvarado's apartment was left in chaos and the floor covered in blood. Ms. Alvarado could not bear to return nor to clean up the blood. Her sister Yara had to clean the mess. Ms. Alvarado moved to another apartment as soon as she could, staying with her sister for about a month until they could find another place. Ms. ** had difficulty retrieving Akuma's body and then had to pay for his cremation.

Relevant Historical Information

Ms. Alvarado is a 33-year-old, single Hispanic female. She has an olive complexion, with brown eyes and black hair. She wore glasses during her interview. Ms. Alvarado is slender.

Ms. Alvarado was born and raised in North Philadelphia where she has lived her entire life. She was raised by a single mother of seven. Ms. Alvarado is the youngest. Her mother had her later in life, when her mother was 40. Ms. Alvarado has two siblings, a brother and a sister, with the same biological parents. She has numerous half-siblings. She grew up with her sister and two of her brothers. Some of her siblings are much older than her. Ms. Alvarado reported that her father "didn't want anything to do with" his children. She looked for him at some point, but her father was never in her life, leaving when she was six months old.

Ms. Alvarado described her childhood as having its "ups and downs," especially financially. Ms. Alvarado's mother is deceased, dying in 2013. Ms. Alvarado was serving as her primary caretaker as her mother had COPD, arthritis, and diabetes. Ms. Alvarado moved to Georgia after high school but returned after three years to care for her mother. Her mother's death "hit" Ms. Alvarado "hard." She became very depressed and withdrawn after her mother died, only "getting out of bed" to care for her mother's elderly dog. Ms. Alvarado adopted Akuma after her mother's dog died within the same year or so.

Ms. Alvarado denied ever having been abused as child, physically, sexually, or emotionally. She described school as "okay," but reported that she struggled with reading. She "never got help," not receiving an IEP or special education. She did not graduate high school and did not attain her GED.

Ms. Alvarado reported that she was "always sick" as a child. She was on disability beginning as a child, which she supports herself now with, supplementing her SSD with part-time work. She had German measles and has Von Willebrand's disease, a bleeding disorder characterized by blood-clotting issues that can lead to bleeding. She can feel tired and ill at times. Ms. Alvarado does work when she "feels okay," holding lower skilled retail and factory jobs. Ms. Alvarado did not work since the "incident," dealing with depression, anxiety, and fatigue. Ms. Alvarado may have recently gotten a part-time job as a companion for the elderly, which her sister pushed her to do to "get her out of the house."

Ms. Alvarado has never been married. She has no children. Ms. Alvarado has never been in a long-term relationship. "I like to be by myself," she said.

<u>Treatment History/Substance Abuse History:</u> As a child Ms. Alvarado suffered from depression. Her mother put her into therapy, but "it didn't work." Ms. Alvarado described herself as "quiet," saying she did not like to talk. It was hard for her to open up about her feelings. The therapists were unable to encourage her participation in treatment. Ms. Alvarado is currently in treatment to learn to cope with her trauma.

Ms. Alvarado has no history of substance abuse. She has never received substance abuse treatment.

<u>Criminal/Legal History:</u> Ms. Alvarado has never had contact with the law prior to this incident. She has no criminal history.

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Interview/Behavioral Observations

Ms. Alvarado appeared as scheduled for her interview. She was appropriately dressed and groomed. Ms. Alvarado understood the purpose of the evaluation. She was coherent and oriented. Ms. Alvarado displayed not overt signs of severe depression, dysregulation, or difficulties with reality testing. Ms. Alvarado was able to participate effectively in the interview.

Interpersonally, Ms. Alvarado was very pleasant and cooperative. She spoke sadly much of the time, presenting with some depressed affect, though she tried very hard to be upbeat and optimistic. When we discussed difficult topics, Ms. Alvarado became sad, though she tended to brush off the feelings so as not to trouble me or concern me with her well-being. This was consistent with how Ms. Alvarado described herself and how her sister later described Ms. Alvarado, as not wanting to be a bother, not asking for help, and being reluctant to open up and be vulnerable about her feelings.

Ms. Alvarado was very simplistic and concrete. She was not able to describe her thoughts and feelings well, using unsophisticated language and terms to express herself. For example, when describing a severe level of depression that entailed not being able to get out of bed, not bathing, and not eating, she simply said she was "really sad." When describing symptoms of panic attacks and terror, she used the simple terms of "nervous" and "anxious." Ms. Alvarado does not have the language or insight to give a complex description of her inner life. This is at least partially due to Ms. Alvarado's limitations and history of learning disabilities. Her difficulties with reading and comprehension were recognizable and impacted her testing as well. Ms. Alvarado seems to maintain simplistic ideas of herself and the world, living a quiet, peaceful, and uncomplicated life. She was introverted and self-protective prior to this event, something that she has become even more so since she was violated.

Ms. Alvarado was cooperative. She did not try to evade questions or intimidate the examiner. She was not dramatic or exaggerating. She spoke softly and clearly. She did not display any problematic interpersonal behavior that would impact the interview. Ms. Alvarado did not seem angry, hostile, or retaliatory. She was very sad about her losses and conveyed a sense of fear and vulnerability. Ms. Alvarado seemed to be struggling with disappointment over basic expectations of how she was treated. For example, Ms. Alvarado said sadly when describing the officers shooting her dog, "They didn't even say sorry."

Interview Information

When Ms. Alvarado thinks about the raid she is "sad." "It makes me want to cry," she said, "I relive it over and over again." Ms. Alvarado is living across the street from her current apartment. After the incident, she could not return to her home, living with her sister until they could find Ms. Alvarado a new apartment. She "still smelled the blood" in her apartment, which triggered her and caused her to "relive" the killing of her dog and her fear. She did not want to go home anymore. Now, living across the street from her old home still reminds her and produces bad memories, but it is "not as bad." Ms. Alvarado cried "all the time" after Akuma was killed. She could not eat or sleep. She became fearful of police. She was "paranoid" all the time.

Ms. Alvarado suffers from significant fear and anxiety now. "My sense of safety is gone," Ms. Alvarado said, explaining that she always feels on guard and vigilant, even in her new home. "Every time someone knocks on the door," she said, "I am afraid. Every noise startles me. I am paranoid and afraid." This was not a problem before, even when she struggled with depression. "I feel unsafe all the time," Ms. Alvarado said sadly.

Ms. Alvarado has had severe sleeping issues since the raid. The police entered her home when it was dark, very early in the morning. Ms. Alvarado was vulnerable and unprepared. Now, she feels very vulnerable when she sleeps. She "always wakes up" during the night, "scared someone is coming in" her

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home repeatedly during the night. Ms. Alvarado also has difficulties falling asleep. Often, she stays up to three or four in the morning. Ms. Alvarado stated that she does not dream anymore. She had frequent nightmares that were terrifying. She would then wake up and "think about it" (the incident). Then she cannot sleep. Typically, Ms. Alvarado sleeps four hours, a disrupted sleep. At times she sleeps during the day. On good days, Ms. Alvarado will get "seven hours at the most" of sleep, but it is disrupted. Overall, Ms. Alvarado reported she has "never really slept after the incident." Ms. Alvarado eats less due to her anxiety. Her weight has fluctuated.

Ms. Alvarado has flashbacks and intrusive thoughts. She said she will be driving and "all of the sudden" she will begin to relive the event. When she hears someone knock on the door, "it triggers and [she] will go back to that day." "If I see a cop car parked near where I live," Ms. Alvarado immediately gets anxious. "It is improving," Ms. Alvarado said, "but I try to avoid them." Dogs that look like Akuma trigger sadness, anxiety, and grief for Ms. Alvarado.

The event has changed Ms. Alvarado's perception of police. She does not feel safe. This is a regrettable change for Ms. Alvarado. Her older brother is a police officer. She "used to have respect for" police. Now she does not trust them.

Ms. Alvarado has struggled with a number of practical changes in her life. Ms. Alvarado moved to another apartment about a month after the event. Her new apartment is smaller. It is also on the second floor. Ms. Alvarado has to carry all her groceries and goods up a fire escape. She must use the fire escape regardless of the weather to leave or enter her apartment. She also has to use it to walk her dogs. Penelope is fearful of the stairs, so Ms. Alvarado must carry her up and down. Ms. Alvarado used to be on the first floor. The move has caused some "inconvenience." She has fallen on the fire escape twice, as it is slippery in the winter and rain. It is also hot in the summer, as it is metal.

Ms. Alvarado has lived alone since her mother's death. She was not afraid to live alone, especially because of Akuma. Now, she feels afraid to live by herself. She is aware of men on her "corner" who see her go in and out of her apartment without her big dog. "I lost my sense of protection without my dog," she said. Her new apartment is "more in the open" as well, more visible to strangers being close to a bus stop. She does not walk the dogs as she used to because she does not feel safe.

Ms. Alvarado has a history of major depression, repeatedly triggered by loss and grief. Ms. Alvarado said that her depression began when she was 13, after her grandmother, that she was close with, died of cancer. Ms. Alvarado helped care for her grandmother. After her grandmother died, it "left [Ms. Alvarado] feeling empty and sad." She began having trouble sleeping. She would not eat. This became an issue quickly as Ms. Alvarado said she was "not a big eater ever – never really ate a lot." She lost weight. Her mother put her in treatment. Ms. Alvarado described being seriously depressed after her mother died. Ms. Alvarado was her caretaker for years and was devastated by her mother's death.

After Ms. Alvarado's mother's death, Ms. Alvarado got Akuma, the dog that was killed by police. Akuma served as her emotional support dog, helping her with her depression and anxiety. He was very well-trained. He was nine years old when he was killed, spending almost all his life with Ms. Alvarado. Ms. Alvarado said that she and Akuma had a "very deep bond." He helped her begin to function again after she lost her mother. "My animals were the only reason I got up in the morning," she explained, saying her depression and grief were severe at the time. She was having trouble getting out of bed, caring for herself, and leaving her house. Her pets' needs were her motivation. Ms. Alvarado got another small dog, Penelope, after she got Akuma. They kept each other company as well.

Penelope has been traumatized by being present for the raid and killing of Akuma. Ms. Alvarado stated that Penelope is now anxious, scared of loud noises, and afraid of strangers. Ms. Alvarado also has a small parrot, a conure, that has been impacted by the raid. Ms. Alvarado described how her bird was "screaming" throughout the event, adding to Ms. Alvarado's fear and the chaos that ensued. The bird

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now screams at loud noises, is more anxious, and reacts with fear if Ms. Alvarado picks up her broom or a stick. The bird is a bit more aggressive as well, prone to bite if it is nervous.

Ms. Alvarado is currently in therapy to address her trauma symptoms. She reported that this is "sometimes in zoom, sometimes in person." She said that her therapist gave her useful "breathing exercises." She attends every two weeks. Ms. Alvarado will not take medication for her anxiety and depression. She is fearful of becoming "addicted," so relies on prayer, natural remedies, and herbs. Ms. Alvarado is exerting effort in to feeling better and dealing with her symptoms. "I try to control the way I feel," she said, "I use treatment and coping. I try to clear my mind when I am overwhelmed."

Ms. Alvarado's primary coping is to rely on God. "I leave it up to God," she said, "It helps me a lot – prayer." Ms. Alvarado has returned to church after the incident. She said her mother always "talked about God," so Ms. Alvarado finds solace in leaning on God.

Collateral Interviews – Yara Alvarado (sister)

This examiner interviewed Ms. Yara Alvarado over the phone for approximately 25 minutes. Ms. Alvarado identified her sister as someone she was close to and who had observed the impact of the incident on Ms. Alvarado. Ms. Yara Alvarado speaks to her sister on an almost daily basis. They were close before the incident. Ms. Alvarado lived with Yara for about a month after the incident, until she was able to help Ms. Alvarado get another apartment. Ms. Alvarado did not feel safe in the apartment that was breached.

Directly after the incident, Yara was fearful for Ms. Alvarado's mental health. For instance, she explained what Ms. Alvarado did in her new apartment, which concerned Yara. "It was like the movie *A Beautiful Mind,"* she said, "There were papers pasted all over the walls." These "papers" were inspirational and coping quotes that Ms. Alvarado had put up all over to help her deal with her anxiety and grief. According to her sister, Ms. Alvarado has a "very hard time expressing herself" and sharing her feelings. "She is trying to prove she is so strong," Yara explained. Yara encourages Ms. Alvarado to go to therapy. Yara added, "Going to Church helps her." Yara explained that Ms. Alvarado has gotten more involved in church, which has been the "most helpful." "the Church is pulling her out of depression some," Yara stated.

Yara has noticed numerous changes in her sister. Ms. Alvarado has gone into a "very bad depression" since Akuma was killed, according to Yara. She also has become reactive and hypervigilant. "If someone knocks, she is paranoid," Yara explained. Yara must give Ms. Alvarado plenty of notice when she is coming to visit, something that was not previously necessary. When she hears sirens, Ms. Alvarado "tenses up and looks around." Ms. Alvarado's "nerves are really bad." "She is very jumpy," said Yara. The most upsetting thing for Yara to witness is that Ms. Alvarado "has lost her sense of safety – she doesn't feel safe."

Ms. Alvarado has withdrawn from relationships with friends and family. The only family Ms. Alvarado associates with is Yara. She is not engaged with nephews she was once close to since the incident. Ms. Alvarado cannot have children, so her "animals are her children."

Ms. Alvarado has changed in other ways. "She was always dolled up all the time," Yara said, "Now, she doesn't wear makeup. She wears pajama bottoms, baggy clothes. She doesn't comb or do up her hair." Ms. Alvarado has "dropped a lot of weight." Ms. Alvarado has always been vegan, but now only eats "rice and potatoes." "I have to get on her to eat properly," Yara said. For a while after the incident, Ms. Alvarado was not leaving the house "for days and days." Yara recently helped get Ms. Alvarado a part-time job being a companion for the elderly. Ms. Alvarado will now go out, and enjoys her job, but takes two of her dogs "everywhere she goes."

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Another new and compulsive behavior Yara has noticed is that Ms. Alvarado has been "collecting pets" ever since Akuma was killed. She said Ms. Alvarado has adopted two more dogs since she was interviewed for her evaluation. Ms. Alvarado now has four dogs, four cats, and a bird. Yara had to force Ms. Alvarado to give up an opossum baby she found on the street and was trying to raise. "She is trying to fill the void," Yara explained. Ms. Alvarado is now demonstrating what Yara described as "attachment issues." "She wants to rescue everything she sees," Yara said. Ms. Alvarado allowed a strange homeless man into her shared basement and almost inviting a homeless couple to stay with her. "She tries to be everyone's superman because she can't be her own," Yara said.

Yara tries to offer Ms. Alvarado as much support and encouragement as she can. She helped Ms. Alvarado get a job, encourages her to go to church, and supports her involvement in therapy. However, she remains worried about Ms. Alvarado, especially because it is difficult for Ms. Alvarado to ask for help. "I just want her to feel safe again," Yara said.

Review of Records

Encounter Note - GPHA (3/8/23)

Ms. Alvarado appeared at the clinic to seek a letter to excuse her from jury duty. At the time she presented for care, she had the diagnoses of Anxiety Disorder, unspecified, Major Depressive Disorder, recurrent, and Post-traumatic Stress Disorder, chronic.

Ledger - GPHA

A ledger sheet from GPHA indicated that Ms. Alvarado had a psychiatric evaluation performed in July 2022. She participated in three mental health telehealth visits for a total of one hour and 15 minutes.

Testing Summary

Ms. Alvarado took the testing through a link to her cell phone. She was monitored via video and instructed to let this examiner know if she had trouble reading or comprehending any item. Ms. Alvarado did not report any specific difficulties during her testing. However, she informed this examiner that she had a history of reading difficulties and learning disabilities, something I told her might affect her comprehension, reiterating that she needed to inform me if she had problems. While Ms. Alvarado did not identify any problems while taking her tests, the test results both indicate some random and atypical response patterns.

<u>Trauma Symptom Inventory – 2^{nd} ed. (TSI-2)</u> - The TSI is a self-report instrument measuring symptoms of Post-Traumatic Stress Disorder and other symptoms of trauma. It was designed as a broad-spectrum assessment of trauma related symptoms and behaviors. The scale assesses a wide array of psychological arenas including: anger/irritability; depression; intrusive experiences; anxious arousal; avoidance; dissociation; suicidality; somatic preoccupation; impaired self-reference; insecure attachment; and other trauma related symptoms and behaviors. There are two validity scales – one assessing defensiveness or avoidance, the other assessing atypical responding.

Ms. Alvarado produced a valid profile. Her score on atypical responding was elevated. This scale can assess over-reporting of symptoms, a cry for help, or the presence of symptoms that not all individuals with trauma experience. In elevated scales, the manual advises examining the individual items to see if the items are consistent with observations and self-report. In Ms. Alvarado's case, her score was elevated by an item regarding frequent flashbacks for several weeks and loss of memory for traumatic events. Ms. Alvarado did report intense, frequent flashbacks for weeks after the event, corroborated by her sister.

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Ms. Alvarado showed elevations on scales consistent with her self-report. Her scores involving anxiety were clinically significant. The scales represent the experiences of hyperarousal, "jumpiness," fear, and panic associated with trauma. Ms. Alvarado continues to have clinically significant levels of intrusive experiences – unwanted and sudden memories, thoughts, or feelings associated with the traumatic event. Testing reiterates that Ms. Alvarado way of coping is to avoid thoughts, feelings, reminders, and triggers of the trauma, something she readily described. Ms. Alvarado's test scores also reflect her somatic or physical concerns, indicating that she worries about her health and symptoms that may be related to the depression and anxiety she had, but also likely reflects her chronic health issues. Finally, Ms. Alvarado indicated that she avoids intimacy and attachment. While Ms. Alvarado and her sister reported she has further withdrawn for social interactions, Ms. Alvarado described this as a pre-existing issue for her. Overall, Ms. Alvarado's score on the Posttraumatic Stress scale was clinically significant.

<u>Personality Assessment Inventory (PAI)</u> – The PAI is a 344 item, self-administered personality inventory that assesses numerous domains in the individual's personality functioning, including self-concept, clinical syndromes and symptoms, and interpersonal issues. It has four validity scales, including measurements of inconsistent responding, positive and negative impression management, and unusual responding. It is also useful in assessing exaggeration and potential malingering, important areas for examination in a forensic evaluation.

Ms. Alvarado produced a valid profile. However, she demonstrated some elevation on the scale for unusual responses, potentially related to confusion, reading difficulties, or unique interpretations of items. Given this score, her profile should be interpreted with caution. Ms. Alvarado's profile indicated some level of defensiveness as well, a reluctance to admit even common issues. Ms. Alvarado's score indicate that she may attempt to present as functioning better than she actually is, something she demonstrated in her interview and corroborated by her sister.

Ms. Alvarado's testing did not reveal any serious clinical pathology indicative of a severe mental illness or personality pathology. However, her scale scores reveal her suspiciousness, anxiety, depression, fears, and unhappiness. Ms. Alvarado's results reflect her distrust in her environment, hypervigilance to harm, and distrust of other people's motives. Ms. Alvarado has somatic complaints, consistent with her chronic illness and the somatic symptoms of her anxiety and depression. Ms. Alvarado reported ineffective efforts in coping with her fears and anxieties at times, choosing to avoid reminders or situations that evoke her fear versus being able to cope with those fears. She may struggle with agoraphobia. Ms. Alvarado's profile indicates that she experiences the physiological symptoms associated with depression, like sleep disturbances, fatigue, and eating issues, as well as symptoms related to anxiety, like pounding heart, trembling, and sweaty hands.

Ms. Alvarado's profile reiterated her social isolation. She maintains detachment from others; intimacy may be uncomfortable or threatening. Others may perceive her as aloof and unemotional. She tends to keep her environment predictable but has few reliable social supports. She is unlikely to be willing to be vulnerable and open to discussing her problems. Ms. Alvarado's strength lies in her stable sense of self. She believes she is goal-driven and has a sense of purpose.

Ms. Alvarado's profile is consistent with her interview presentation, self-report, and history. She has limited supports, has lived an introverted life with few relationships, and has a chronic disease that worries her. She is fearful of leaving her home, hypervigilant about her environment, and mistrustful of others. She has described losing any sense of safety, something that has magnified her shy and introverted behavior. Ms. Alvarado is fearful of leaving the home and struggles with anxiety about the unknown and unpredictable since the event.

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Diagnostic Summary/Offense Impact Analysis

Ms. Alvarado is a peace-loving, introverted, simple individual who made a life for herself with a chronic disorder and difficulties with learning. Ms. Alvarado has a history of depression and anxiety beginning in her early adolescence that was triggered by loss and death. An episode of Major Depression recurred following the death of her mother. She found a means to cope with her issues and rise out of her depression with the love and companionship of her pets, especially Akuma, who she used for protection and emotional support.

Ms. Alvarado suffered a tragedy, in both the violation of her home and sanctuary and the killing of her dog Akuma. This event triggered a recurrence of her Major Depression because she suffered a significant loss and experienced the related grief. Historically, loss has been a serious challenge for Ms. Alvarado. It was again, resulting in daily crying, loss of eating, sleep disturbances, dysphoria, and loss of self-care. Ms. Alvarado experienced a Major Depressive episode following the death of her dog, characterized by depressed mood, loss of interest, sleep disturbances, fatigue, problems concentrating and coping, and appetite problems. Ms. Alvarado reported a history of Major Depressive Disorder. However, she was managing her depression and the related anxiety prior to the event with police.

Additionally, since the raid and killing of her dog, Ms. Alvarado has developed a trauma-related disorder, suffering symptoms related specifically to the traumatic event, in addition to the depression. Ms. Alvarado can be diagnosed with Posttraumatic Stress Disorder. In diagnosis of trauma disorders, the traumatic experience has to be experienced or witnessed and must involve an actual or serious threat of death or significant injury to the physical integrity of oneself or others. Subsequent to the event(s), the individual must develop symptoms characteristic of trauma that persist for more than 30 days.

It is evident that Ms. Alvarado meets the diagnostic criteria of Posttraumatic Stress Disorder and developed symptoms specifically following and related to the raid of her apartment. Ms. Alvarado demonstrates the following symptoms, meeting the full diagnostic criteria for PTSD:

- Intrusive Symptoms
 - Recurrent and intrusive thoughts and memories of the assault;
 - Recurrent distressing dreams/nightmares;
 - Flashbacks, or a sense of reliving the event;
 - Intense distress at exposure to stimuli evoking or triggering recall of the event;
 - Physiological reactivity to stimuli evoking the event;
- Avoidance of Stimuli Associated with the Trauma
 - Efforts to avoid any thoughts or feelings of the event;
 - Efforts to avoid situations, reminders, or triggers of the event;
- Negative Alterations in Cognitions and Mood related to the trauma
 - Persistent negative beliefs and expectations (lack of trust, fear of recurrence);
 - Persistent negative emotional state (chronic anxiety, fear);
 - Feelings of detachment and estrangement from others (betrayal, "paranoid," isolated);
 - Marked diminishment of pleasure or interest in significant activities;
- Marked Alterations in Arousal and Reactivity
 - Difficulty falling asleep and/or staying asleep;
 - Difficulty concentrating;
 - Hypervigilance and exaggerated startle response.

Ms. Alvarado described the symptoms above throughout her interview. Her reports were confirmed by collateral contacts, records, and testing results.

Ms. Alvarado is attending therapy, despite her pre-existing issues with describing and sharing her issues with others. She is using the skills she is learning to cope with her anxiety. Additionally, Ms. Alvarado is

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seeking solace and comfort in her faith and her optimism. She is challenging herself by working and broadening her range of activities, like walking her dogs. Ms. Alvarado continues to rely on avoidance as a major part of her survival with her symptoms. It is clear that Ms. Alvarado is not invested in suffering and is making efforts to improve.

One of the more momentous changes in Ms. Alvarado's life as a result of this traumatic event, is her loss of a sense of safety. Ms. Alvarado lived a protected and relatively modest, uncomplicated life prior to the assault on her home. She was comfortable and felt protected, where she lived and with her dog. Now, she fears that people will know she lives alone. She does not trust police. Ms. Alvarado has had to adjust to a new apartment with all the factors involved, like being closer to a bus stop. She did not leave her home for a time. Ms. Alvarado has a distorted and disrupted sense of trust, something that a traumatic event can create. Ms. Alvarado does not know what to trust so she vacillates between distrust and no regard for trust, like taking in a stranger. Individuals who are traumatized in situations presumed safe and protected, by people they were supposed to trust (like parents or police), can become ineffective and inaccurate at assessing risk and evaluating trustworthiness. She has withdrawn from some relationships in the course of her trauma.

Conclusions and Recommendations

It is my opinion, to a reasonable degree of psychological certainty, that Ms. Alvarado has suffered from a diagnosable condition, namely **Post-traumatic Stress Disorder**, in the past and currently that has profoundly altered her life. This condition is a direct result of the violations she experienced during the raid on June 4, 2021. Ms. Alvarado also experienced an episode of **Major Depressive Disorder**, triggered by the loss of her dog and safety, creating additional psychological hurdles for her to navigate. Ms. Alvarado has a history of Major Depressive Disorder and Generalized Anxiety Disorder, which were exacerbated by the traumatic event. Ms. Alvarado was managing her pre-existing mental health issues with the assistance of Akuma prior to police killing him. She suffers impairment in all arenas of her life: psychological; interpersonal/social; and functional.

My conclusions are as follows:

- Ms. Alvarado can be diagnosed with Post-traumatic Stress Disorder, which has persisted
 and is still very prominent in her experience. She is engaged in efforts to cope with her
 trauma the best she can with limited skills, primarily relying on avoidance as a means to
 cope.
- 2. Ms. Alvarado requires therapeutic interventions. Her treatment needs to be specialized to address her trauma and related depressive and anxiety symptoms. Treatment of trauma is a specialized treatment that may require a variety of techniques and interventions, including exposure therapy, EMDR, biofeedback, or other avenues to improvement. Alternative interventions may be particularly necessary for Ms. Alvarado, who is reluctant to or less adept at sharing and introspecting than other clients. Ms. Alvarado requires strategies and skills that a concrete and accessible to her, presented at a level she can best utilize. Her learning issues may make reading, journaling, or other more typical interventions less useful.
- 3. Ms. Alvarado's current treatment is inadequate. She is unable to have regular appointments, dictated by insurance and clinic scheduling issues. She should be afforded private therapy that is regular, available, and preferably in person. Effective therapeutic interventions as described above are not easy or doable via telehealth. Therapy sessions with a specialized therapist can cost between \$150 \$250 per session. A year of therapy will cost between \$7500 \$12,500 per year. Ms. Alvarado will likely require at least two

Confidential Evaluation

years of therapy with decreasing sessions if she progresses. She may require a course of EMDR or exposure therapy, which may require more fees.

- 4. Adequate treatment of trauma can take years and require consistent participation by the client. If her symptoms increase, she might require a higher level of care, like inpatient or intensive outpatient care. As Ms. Alvarado is involved in her faith and uses her relationship with God as source of her strength, faith-based therapy may be useful for Ms. Alvarado.
- 5. Ms. Alvarado's treatment should also address her coping skills. She has few if any skills to process and manage her anxiety, fear, and depression, as well as her intrusive thoughts and memories related to the abuse.
- 6. Ms. Alvarado will struggle with her trauma for a significant period in the future, if not for the remainder of her life. She will experience permanent harm in the form of recurrent intrusive memories, fear and hypervigilance, grief, and anxiety. While she might learn to better manage these issues, it is unlikely they will fully resolve, especially given her preexisting vulnerabilities.
- 7. As Ms. Alvarado finds solace and relief from animals, she may benefit from a service animal for her trauma and anxiety to assist her in becoming more independent. A service animal differs from an emotional support animal in that a service animal is specially trained to detect and intervene in mental health symptoms, like those that accompany serious PTSD. A trained service dog that can accompany her in public may assist in broadening her circle and allow her to seek new and different opportunities for socialization and education. An animal that additionally offers her a feeling of protection, like a larger trained dog, will be beneficial.

All the opinions contained in this report are given with a reasonable degree of psychological certainty.

Veronique N. Valliere, Psy.D.

Licensed Psychologist

EXHIBIT "J"

Transcript of the Testimony of: Officer Eric Clark

Date: September 21, 2023

Case: Alvarado v. City of Philadelphia

Diamond Court Reporting Phone:856-589-1107

Fax:856-589-4741

Email:dcr.diamond@comcast.net

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Page 1
                                                                                                        Page 3
        IN THE UNITED STATES DISTRICT COURT
       FOR THE EASTERN DISTRICT OF PENNSYLVANIA
                                                                         INDEX
      FELISHATAY ALVARADO, : CIVIL ACTION
                                                            4
         Plaintiff(s):
                                                            5
                                                                 WITNESS
                                                                                  PAGE
                  : NO.: 22-3763
                                                            6
                                                                 OFFICER ERIC CLARK
      CITY OF PHILADELPHIA, :
                                                            8
                                                            9
                                                                 EXAMINATION:
          Defendant (s):
                                                           10
                                                                 BY MR. WEST
                                                           11
          Thursday, September 21, 2023
                                                           12
                                                           13
                                                           14
          VIDEOTAPE DEPOSITION of OFFICER ERIC
      CLARK, was taken, pursuant to notice, held at
                                                           15
                                                                        EXHIBITS
      the Victims' Recovery Law Center, 121 South
                                                           16
      Broad Street, 18th Floor, Philadelphia,
      Pennsylvania 19107, commencing at 12:05 a.m.,
                                                           17
      before LISA HUGHES, Court Reporter and Notary
                                                           18
                                                                 EXHIBIT NO. DESCRIPTION
                                                                                                PAGE MARKED
      Public, there being present:
                                                           19
                                                                  (Whereupon, no exhibits were marked.)
                                                           20
                                                           21
            DIAMOND COURT REPORTING
                                                           22
             406 REDBUD LANE
                                                           23
           MANTUA, NEW JERSEY 08051
              856-589-1107
                                                           24
                                             Page 2
                                                                                                        Page 4
      APPEARANCES:
                                                             1
 2
                                                             2
                                                                              (It is hereby stipulated and
         VICTIMS' RECOVERY LAW CENTER
                                                                         agreed by and between counsel for
 3
         BY: KEITH WEST, ESQUIRE
             121 South Broad Street
                                                             4
                                                                         respective parties that reading,
 4
             18th Floor
                                                             5
                                                                         signing, sealing, certification and
            Philadelphia, Pennsylvania 19107
                                                             6
            Phone: (215) 546-1433
                                                                         filing are waived and that all
            keith@victimrecoverylaw.com
                                                             7
                                                                         objections, except as to the form of
 6
            Representing the Plaintiff
                                                             8
                                                                         questions, be reserved until the
         CITY OF PHILADELPHIA LAW DEPARTMENT
                                                             9
                                                                         time of trial and that any objection
         BY: ADAM R. ZURBRIGGEN, ESQUIRE
                                                           10
                                                                         by one defense counsel will inure to
             1515 Arch Street, 16th Floor
                                                           11
                                                                         the benefit of all other defense
             Philadelphia, Pennsylvania 19102
10
            Phone: (215) 683-5114
                                                            12
                                                                         counsel present.)
            adam.zurbriggen@phila.gov
                                                           13
11
             Representing the City of
                                                            14
            Philadelphia as the Defendant
                                                                              THE VIDEOGRAPHER: This is
12
                                                            15
                                                                         the audio/video deposition for use
13
                                                            16
                                                                         at trial in the matter of Alvarado
      ALSO PRESENT:
14
                                                           17
                                                                         versus The City of Philadelphia, et
15
      IRENE LU, ESQUIRE
                                                            18
                                                                         al. Philadelphia Court of Common
16
      COURTNEY KITCHERMAN, VIDEOGRAPHER
                                                            19
                                                                         Pleas. Docket #220601633. And I am
17
18
                                                            20
                                                                         the video operator. My name is
19
                                                            21
                                                                         Courtney Kitcherman, I am employed
20
21
                                                            22
                                                                         by the Victim's Recovery Law Center.
22
                                                            23
                                                                         My address is 212 South Broad
23
                                                            24
24
                                                                         Street, 18th Floor, Philadelphia,
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1 (Pages 1 to 4)

	Page 5		Page 7
1	Pennsylvania, 19107.	1	some point, just let us know, we'll be
2	Today's date is	2	accommodating. Okay?
3	September 21, 2023 at 12:08 p.m	3	A. Not a problem.
4	this deposition is being performed	4	Q. Please don't answer any questions
5	in person. The caption of this case	5	unless you believe that you understand them.
6	is Alvarado versus The City of	6	A. Okay.
7	Philadelphia, et al. Philadelphia	7	Q. So if at any point if you have trouble
8	Court of Common Pleas. Docket	8	understanding a question I'm asking you, just
9	#220601633.	9	let us know, I'll be glad to rephrase any
10	The witness being deposed	10	question if I can, try to speak louder, less
11	today is Officer Eric Clark. This	11	loud, faster, slower, whatever. Okay?
12	deposition is being taken on behalf	12	A. Uh-huh.
13	of the plaintiff, Felishatay	13	Q. Or rephrase the question. As I'm sure
14	Alvarado. The officer taking this	14	your attorney advised you, your only
15	deposition is Lisa Hughes and she	15	obligation today is to give truthful
16	shall swear the witness in at this	16	testimony based on your personal knowledge.
17	time.	17	A. Right.
18		18	Q. So please do that. I'm not at any
19	OFFICER ERIC CLARK, having	19	point going to ask you to guess or speculate.
20	been first duly sworn, was examined	20	It's not like a multiple option test where
21	and testified as follows:	21	you have to answer every question. Okay?
22	and testified as follows.	22	A. I understand.
23	EXAMINATION	23	Q. But we would like to know everything
24		24	that you do know. So if you're asked any
			and you do mion. So it you're unled unly
	Page 6		Daga 0
	1430 0		Page 8
1	BY MR. WEST:	1	question and you have partial memory, partial
1 2		1 2	
	BY MR. WEST:		question and you have partial memory, partial
2	BY MR. WEST: Q. Good afternoon, Officer Clark. My name	2	question and you have partial memory, partial knowledge, just let us know that that's the
2	BY MR. WEST: Q. Good afternoon, Officer Clark. My name is Keith West, I'm one of the attorneys	2 3	question and you have partial memory, partial knowledge, just let us know that that's the case, and if you're able to give any
2 3 4	BY MR. WEST: Q. Good afternoon, Officer Clark. My name is Keith West, I'm one of the attorneys representing the plaintiff in this case, Ms.	2 3 4	question and you have partial memory, partial knowledge, just let us know that that's the case, and if you're able to give any estimates or approximations, we want your estimates or approximations, just let us know
2 3 4 5	BY MR. WEST: Q. Good afternoon, Officer Clark. My name is Keith West, I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado. Thank you very much for coming in	2 3 4 5	question and you have partial memory, partial knowledge, just let us know that that's the case, and if you're able to give any estimates or approximations, we want your
2 3 4 5 6	BY MR. WEST: Q. Good afternoon, Officer Clark. My name is Keith West, I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado. Thank you very much for coming in today. And just a few preliminary things we	2 3 4 5 6	question and you have partial memory, partial knowledge, just let us know that that's the case, and if you're able to give any estimates or approximations, we want your estimates or approximations, just let us know that you are, in fact, giving an estimate or
2 3 4 5 6 7	BY MR. WEST: Q. Good afternoon, Officer Clark. My name is Keith West, I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado. Thank you very much for coming in today. And just a few preliminary things we always put on the record.	2 3 4 5 6 7	question and you have partial memory, partial knowledge, just let us know that that's the case, and if you're able to give any estimates or approximations, we want your estimates or approximations, just let us know that you are, in fact, giving an estimate or approximation. Okay?
2 3 4 5 6 7 8	BY MR. WEST: Q. Good afternoon, Officer Clark. My name is Keith West, I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado. Thank you very much for coming in today. And just a few preliminary things we always put on the record. You've had a chance to confer with your	2 3 4 5 6 7 8	question and you have partial memory, partial knowledge, just let us know that that's the case, and if you're able to give any estimates or approximations, we want your estimates or approximations, just let us know that you are, in fact, giving an estimate or approximation. Okay? A. Got you.
2 3 4 5 6 7 8 9	BY MR. WEST: Q. Good afternoon, Officer Clark. My name is Keith West, I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado. Thank you very much for coming in today. And just a few preliminary things we always put on the record. You've had a chance to confer with your attorneys and you're prepared to testify	2 3 4 5 6 7 8 9	question and you have partial memory, partial knowledge, just let us know that that's the case, and if you're able to give any estimates or approximations, we want your estimates or approximations, just let us know that you are, in fact, giving an estimate or approximation. Okay? A. Got you. Q. Yeah, I think that's all the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BY MR. WEST: Q. Good afternoon, Officer Clark. My name is Keith West, I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado. Thank you very much for coming in today. And just a few preliminary things we always put on the record. You've had a chance to confer with your attorneys and you're prepared to testify today, correct? A. Yes. Q. Okay. Are you under the influence of any sort of illness, medication, substance, or anything that would impair your ability to testify truthfully today? A. No. Q. We don't intend this to be an unnecessarily uncomfortable process so if at any time you need a break, normally I'd offer	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	question and you have partial memory, partial knowledge, just let us know that that's the case, and if you're able to give any estimates or approximations, we want your estimates or approximations, just let us know that you are, in fact, giving an estimate or approximation. Okay? A. Got you. Q. Yeah, I think that's all the preliminary stuff. So, Officer Clark, our incident giving rise to this lawsuit occurred on June 4, 2021. At that time, you were a member of the Philadelphia SWAT unit; is that correct? A. That's correct. Q. All right. It looks like a different uniform. Are you still a member of the SWAT team?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BY MR. WEST: Q. Good afternoon, Officer Clark. My name is Keith West, I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado. Thank you very much for coming in today. And just a few preliminary things we always put on the record. You've had a chance to confer with your attorneys and you're prepared to testify today, correct? A. Yes. Q. Okay. Are you under the influence of any sort of illness, medication, substance, or anything that would impair your ability to testify truthfully today? A. No. Q. We don't intend this to be an unnecessarily uncomfortable process so if at	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	question and you have partial memory, partial knowledge, just let us know that that's the case, and if you're able to give any estimates or approximations, we want your estimates or approximations, just let us know that you are, in fact, giving an estimate or approximation. Okay? A. Got you. Q. Yeah, I think that's all the preliminary stuff. So, Officer Clark, our incident giving rise to this lawsuit occurred on June 4, 2021. At that time, you were a member of the Philadelphia SWAT unit; is that correct? A. That's correct. Q. All right. It looks like a different uniform. Are you still a member of the SWAT team? A. No. I'm in and out of patrol. I ride
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. WEST: Q. Good afternoon, Officer Clark. My name is Keith West, I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado. Thank you very much for coming in today. And just a few preliminary things we always put on the record. You've had a chance to confer with your attorneys and you're prepared to testify today, correct? A. Yes. Q. Okay. Are you under the influence of any sort of illness, medication, substance, or anything that would impair your ability to testify truthfully today? A. No. Q. We don't intend this to be an unnecessarily uncomfortable process so if at any time you need a break, normally I'd offer you a cup of coffee, I think we actually just	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	question and you have partial memory, partial knowledge, just let us know that that's the case, and if you're able to give any estimates or approximations, we want your estimates or approximations, just let us know that you are, in fact, giving an estimate or approximation. Okay? A. Got you. Q. Yeah, I think that's all the preliminary stuff. So, Officer Clark, our incident giving rise to this lawsuit occurred on June 4, 2021. At that time, you were a member of the Philadelphia SWAT unit; is that correct? A. That's correct. Q. All right. It looks like a different uniform. Are you still a member of the SWAT team? A. No. I'm in and out of patrol. I ride horses now. Q. Sure. So when did you stop being a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. WEST: Q. Good afternoon, Officer Clark. My name is Keith West, I'm one of the attorneys representing the plaintiff in this case, Ms. Alvarado. Thank you very much for coming in today. And just a few preliminary things we always put on the record. You've had a chance to confer with your attorneys and you're prepared to testify today, correct? A. Yes. Q. Okay. Are you under the influence of any sort of illness, medication, substance, or anything that would impair your ability to testify truthfully today? A. No. Q. We don't intend this to be an unnecessarily uncomfortable process so if at any time you need a break, normally I'd offer you a cup of coffee, I think we actually just ran out of coffee. A. No. I am dying walking over here.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	question and you have partial memory, partial knowledge, just let us know that that's the case, and if you're able to give any estimates or approximations, we want your estimates or approximations, just let us know that you are, in fact, giving an estimate or approximation. Okay? A. Got you. Q. Yeah, I think that's all the preliminary stuff. So, Officer Clark, our incident giving rise to this lawsuit occurred on June 4, 2021. At that time, you were a member of the Philadelphia SWAT unit; is that correct? A. That's correct. Q. All right. It looks like a different uniform. Are you still a member of the SWAT team? A. No. I'm in and out of patrol. I ride horses now. Q. Sure. So when did you stop being a part of the SWAT unit?

2 (Pages 5 to 8)

	Page 9		Page 11
1	[phonetic] maybe two weeks ago.	1	BY MR. WEST:
2	Q. So that's a new thing, right?	2	Q. Were you interviewed by one or both?
3	A. Yes.	3	A. Just one.
4	Q. And you stopped being a member of the	4	Q. Okay. Besides this incident, have you
5	SWAT unit in February of 2023?	5	ever been involved in an officer involved
6	A. Yes, correct.	6	shooting?
7	Q. Why did you stop being a member of the	7	MR. ZURBRIGGEN: Object to
8	SWAT unit?	8	form, but, Officer, if you know you
9	A. Just a life-style change.	9	can answer.
10	Q. Was that a decision that you made, were	10	MR. WEST: Okay. I'll lay a
11	you transferred?	11	foundation.
12	A. No, it's a decision that I made.	12	BY MR. WEST:
13	Q. Okay. And why did you decide you'd	13	Q. Was this incident an officer involved
14	like to make that change?	14	shooting?
15	A. I just had a newborn baby.	15	A. Meaning?
16	Q. Okay.	16	Q. Sure. You were involved in a warrant
17	A. And it was taking a toll on the family,	17	informant action on June 4, 2021, correct?
18	the hours, the on-call and everything like	18	A. Correct, uh-huh.
19	that, so	19	Q. Did that action involve an officer
20	Q. Yeah. My latest son was born late	20	involved shooting?
21	January of 2023. All right. When did you	21	A. Discharging his firearm, is that what
22	first become a member of the Philadelphia	22	you're asking?
23	Police Department?	23	Q. So you used the phrase officer involved
24	A. I joined the academy at 12/12/2011.	24	shooting just a moment ago, correct?
	3		
	Page 10		Page 12
	5		rage 12
1	Q. So as of June, 2021 you've been a	1	A. Uh-huh.
1 2		1 2	
	Q. So as of June, 2021 you've been a		A. Uh-huh.
2	Q. So as of June, 2021 you've been a member of the Philadelphia Police Department	2	A. Uh-huh. Q. Would you use that same phrase in
2	Q. So as of June, 2021 you've been a member of the Philadelphia Police Department for a little over nine years, right?	2	A. Uh-huh. Q. Would you use that same phrase in relation to the incidents that occurred on
2 3 4	Q. So as of June, 2021 you've been a member of the Philadelphia Police Department for a little over nine years, right? A. Yes.	2 3 4	A. Uh-huh. Q. Would you use that same phrase in relation to the incidents that occurred on June 4, 2021?
2 3 4 5	Q. So as of June, 2021 you've been a member of the Philadelphia Police Department for a little over nine years, right? A. Yes. Q. Okay. When did you first join the SWAT	2 3 4 5	A. Uh-huh. Q. Would you use that same phrase in relation to the incidents that occurred on June 4, 2021? MR. ZURBRIGGEN: Object to
2 3 4 5 6	Q. So as of June, 2021 you've been a member of the Philadelphia Police Department for a little over nine years, right? A. Yes. Q. Okay. When did you first join the SWAT unit?	2 3 4 5	A. Uh-huh. Q. Would you use that same phrase in relation to the incidents that occurred on June 4, 2021? MR. ZURBRIGGEN: Object to form, but, Officer, if you know.
2 3 4 5 6 7	Q. So as of June, 2021 you've been a member of the Philadelphia Police Department for a little over nine years, right? A. Yes. Q. Okay. When did you first join the SWAT unit? A. December, 2020 if I'm not mistaken. I'm not exactly sure. Q. Okay. So you think it was about a half	2 3 4 5 6 7	A. Uh-huh. Q. Would you use that same phrase in relation to the incidents that occurred on June 4, 2021? MR. ZURBRIGGEN: Object to form, but, Officer, if you know. THE WITNESS: You're kind of confusing me with what you're asking.
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3 (Pages 9 to 12)

1	Page 13		Page 15
	shooting team?	1	BY MR. WEST:
2	MR. ZURBRIGGEN: Same	2	Q. You do understand what I'm saying, that
3	objection, but, Officer, if you	3	there's a grievance process where if a member
4	know.	4	of the public feels there's been an incident
5	THE WITNESS: Are you asking	5	they can make a complaint. Have you ever had
6	me have I been interviewed by OISI	6	such a complaint?
7	previous to this or after this, like	7	MR. ZURBRIGGEN: Same
8	have I	8	objection, but, Officer, if you
9	BY MR. WEST:	9	know.
10	Q. On any occasion.	10	THE WITNESS: Not that I'm
11	A. Yes, I have.	11	aware of. I don't know.
12	Q. All right. How many times?	12	BY MR. WEST:
13	A. Twice.	13	Q. Okay. Do you have any recollection
14	Q. Okay. Please describe in general terms	14	today of the June 4, 2021 warrant enforcement
15	what those two other instances were?	15	action at 4664 Torresdale Avenue?
16	MR. ZURBRIGGEN: Object to	16	A. I have some.
17	form.	17	Q. Okay. And did you have a chance to
18	THE WITNESS: Well, one is	18	review any documents, photographs, or videos
19	this one and the other one would be	19	in preparation for today's testimony?
20	we were serving a warrant and	20	A. Just my statement.
21	basically while conducting the	21	Q. Okay. And that's the investigation
22	warrant for a homicide suspect he	22	interview record provided to OISI, right?
23	started shooting through the door	23	A. Yes.
24	and my colleagues returned fire.	24	Q. So you read that statement to prepare
	, E		
	Page 14		Page 16
_		_	
1	BY MR. WEST:	1	yourself for today's deposition?
2	Q. Okay. So you've been involved by the	2	
3 4		2	A. Yes.
	officer involved shooting team a total of two	3	Q. And is that the only material that you
	times?	4	Q. And is that the only material that you reviewed?
5	times? MR. ZURBRIGGEN: Object to	4 5	Q. And is that the only material that you reviewed? A. That's the only thing that I reviewed.
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5 6 7 8	times? MR. ZURBRIGGEN: Object to form, but, Officer. BY MR. WEST: Q. Or is it a total of three times?	4 5 6 7 8	Q. And is that the only material that you reviewed? A. That's the only thing that I reviewed. Q. Okay. Have you ever heard of anything known as the knock and announce rule? MR. ZURBRIGGEN: Object to
5 6 7 8 9	times? MR. ZURBRIGGEN: Object to form, but, Officer. BY MR. WEST: Q. Or is it a total of three times? A. Just two. I've been interviewed down	4 5 6 7 8 9	Q. And is that the only material that you reviewed? A. That's the only thing that I reviewed. Q. Okay. Have you ever heard of anything known as the knock and announce rule? MR. ZURBRIGGEN: Object to form, but, Officer, if you know.
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4 (Pages 13 to 16)

	Page 17		Page 19
1	rule is to provide any occupants of the	1	just something that the Philadelphia Police
2	building an opportunity to voluntarily	2	Department likes to do?
3	surrender?	3	MR. ZURBRIGGEN: Same
4	MR. ZURBRIGGEN: Object to	4	objection.
5	form. Officer, you can answer if	5	THE WITNESS: I don't know.
6	you can.	6	BY MR. WEST:
7	THE WITNESS: I'm sorry,	7	Q. Okay. Do you have any personal
8	repeat that question again?	8	knowledge if the knock and announce rule is a
9	BY MR. WEST:	9	constitutional requirement?
10	Q. Okay. So when would you use the knock	10	MR. ZURBRIGGEN: Same
11	and announce rule?	11	objection.
12	A. Every time we're serving a warrant.	12	THE WITNESS: I don't know.
13	Q. And that's at a residence, correct?	13	BY MR. WEST:
14	MR. ZURBRIGGEN: Object to	14	Q. Okay. Is your only knowledge as to
15	form, but, Officer if you know.	15	what the knock and announce rule training
16	THE WITNESS: Yeah. At a	16	that you've received from the Philadelphia
17	residence or if yeah, exactly,	17	Police Department?
18	at a residence.	18	MR. ZURBRIGGEN: Objection
19	BY MR. WEST:	19	to form, but, Officer, if you know.
20	Q. And you received training from the	20	THE WITNESS: Yes. I would
21	Philadelphia Police Department as far as what	21	say that's basically we're told to
22	the knock and announce rule is?	22	knock and announce, give a
23	A. Yes.	23	reasonable amount of time depending
24	Q. Okay. And did you receive additional	24	on the circumstances and breach the
	Page 18		Page 20
1	training with regards to what the knock and	1	door.
2	announce rule is from the SWAT unit?	2	BY MR. WEST:
3	MR. ZURBRIGGEN: Object to	3	Q. Okay. And then let me try to clarify
4	form, but, Officer, if you know.	4	this next question. So I take it that you
5	THE WITNESS: When you say	5	received training from the police academy
6	rule, like is it so basically	6	and
7	we're taught to knock and announce	1	
		7	
8	•	7 8	A. No.
8 9	before we go inside any residence,	7 8 9	A. No. Q. You never received any training from
	before we go inside any residence, that's basically our training, we		A. No. Q. You never received any training from the police academy?
9	before we go inside any residence, that's basically our training, we knock and announce, we give them	9	A. No. Q. You never received any training from the police academy? A. From knock and announcing?
9 10	before we go inside any residence, that's basically our training, we knock and announce, we give them it comes down to the supervisor, the	9	A. No. Q. You never received any training from the police academy? A. From knock and announcing? Q. Yes.
9 10 11	before we go inside any residence, that's basically our training, we knock and announce, we give them it comes down to the supervisor, the supervisor a reasonable amount of	9 10 11	A. No. Q. You never received any training from the police academy? A. From knock and announcing? Q. Yes. A. No, that's a totally different thing.
9 10 11 12	before we go inside any residence, that's basically our training, we knock and announce, we give them it comes down to the supervisor, the supervisor a reasonable amount of time and then, boom, we breach the	9 10 11 12	A. No. Q. You never received any training from the police academy? A. From knock and announcing? Q. Yes. A. No, that's a totally different thing. Q. Okay. Fine. So you received no
9 10 11 12 13	before we go inside any residence, that's basically our training, we knock and announce, we give them it comes down to the supervisor, the supervisor a reasonable amount of time and then, boom, we breach the door, so	9 10 11 12 13	A. No. Q. You never received any training from the police academy? A. From knock and announcing? Q. Yes. A. No, that's a totally different thing. Q. Okay. Fine. So you received no training with regards to knock and announce
9 10 11 12 13 14	before we go inside any residence, that's basically our training, we knock and announce, we give them it comes down to the supervisor, the supervisor a reasonable amount of time and then, boom, we breach the door, so BY MR. WEST:	9 10 11 12 13 14	A. No. Q. You never received any training from the police academy? A. From knock and announcing? Q. Yes. A. No, that's a totally different thing. Q. Okay. Fine. So you received no training with regards to knock and announce from the police academy, correct?
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5 (Pages 17 to 20)

	Page 21		Page 23
1	the guys serving the warrant so that's where	1	Q. Okay. He's sort of a senior guy,
2	we receive the training from knock and	2	right?
3	announce, how to properly breach doors, our	3	A. Yes.
4	tactics and things like that.	4	Q. And he was part of this warrant
5	Q. So was that the first time you'd ever	5	enforcement operation back on June 4, 2020,
6	heard of the knock and announce rule, when	6	right?
7	you went through the SWAT unit training?	7	A. Was he? Do you have like I don't
8	MR. ZURBRIGGEN: Object to	8	want to say yeah and he wasn't.
9	form, but, Officer, if you know.	9	MR. ZURBRIGGEN: Just if you
10	THE WITNESS: I don't know.	10	recall.
11	I'm not going to guess.	11	THE WITNESS: I don't know.
12	BY MR. WEST:	12	BY MR. WEST:
13	Q. Okay. Do you have any recollection	13	Q. You don't remember. Okay. But in any
14	today of having ever heard of the knock and	14	case, he was a member of the SWAT unit and
15	announce rule prior to SWAT unit training?	15	that was true back in June, 2021, as well,
16	MR. ZURBRIGGEN: Same	16	right?
17	objection, but, Officer, if you	17	A. Yes.
18	know.	18	Q. Okay. Sir, I can represent to you that
19	THE WITNESS: I don't know.	19	he was, just as a point of reference, he was
20	BY MR. WEST:	20	deposed earlier today and he said that under
21	Q. Not that you can recall today, correct?	21	the knock and announce rule you should wait
22	A. Not that I can recall.	22	at least 45 seconds after knocking before
23	Q. Okay. So when you did get to the SWAT	23	entering a property. Is that consistent with
24	unit and you did get SWAT unit training, what	24	your training?
	unit and you did get SWA1 unit training, what		your training:
	Page 22		
	rage 22		Page 24
1		1	
1 2	were you told specifically about the knock and announce rule?	1 2	MR. ZURBRIGGEN: Object to form, but, Officer, if you know.
	were you told specifically about the knock		MR. ZURBRIGGEN: Object to
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2 3 4 5	were you told specifically about the knock and announce rule? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: A reasonable	2 3 4 5	MR. ZURBRIGGEN: Object to form, but, Officer, if you know. THE WITNESS: I don't know. I mean, like I said, it all goes
2 3 4 5 6	were you told specifically about the knock and announce rule? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: A reasonable amount of time depending on the	2 3 4 5 6	MR. ZURBRIGGEN: Object to form, but, Officer, if you know. THE WITNESS: I don't know. I mean, like I said, it all goes back to the supervisor. If the supervisor gives me the go ahead to breach then I'm breaching. As the
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6 (Pages 21 to 24)

	Page 25		Page 27
1	say for instance, you knock on the	1	that.
2	door one time and you see through	2	BY MR. WEST:
3	the window and the guy's loading up	3	Q. So if you were told that you were
4	a gun, are you going to continue to	4	executing a warrant at the residence of a
5	knock? Every situation is	5	person suspected of murder, then would that
6	different.	6	automatically cause you to wait less time
7	BY MR. WEST:	7	under the knock and announce rule?
8	Q. Okay. What if you were executing a	8	MR. ZURBRIGGEN: Object to
9	warrant and there were no exigent	9	form. Officer.
10	circumstances and you knocked on the door and	10	THE WITNESS: It depends.
11	you didn't hear anything, how long should you	11	It depends on the supervisor. All
12	wait before breaching?	12	this goes back to, not to sound
13	MR. ZURBRIGGEN: Object to	13	like, but it goes back to when the
14	form.	14	supervisor feels as though we should
15	THE WITNESS: Again, it	15	go into the house.
16	depends on the supervisor. I mean,	16	BY MR. WEST:
17	it depends. Like I can't give you	17	Q. Okay. Sir, you've been a police
18	an exact second countdown because it	18	officer now with the Philadelphia Police
19	could be 20 seconds, it could be	19	Department for almost 12 years, right?
20	45 seconds, it could be ten seconds.	20	A. Correct.
21	It varies.	21	Q. Okay. Every single time that you've
22	BY MR. WEST:	22	knocked on someone's door, has a supervisor
23	Q. Okay. Would hearing a dog bark inside	23	been standing over your shoulder telling you
24	of a home change the amount of time you	24	what to do?
	Page 26		Page 28
1	should wait under the knock and announce	1	A. Yes. In SWAT, yes.
2	rule?	2	Q. So you haven't been provided enough
3	MR. ZURBRIGGEN: Object to	3	training to know how to carry out the knock
4	form, but, Officer.	4	and announce rule on your own without a
5	THE WITNESS: I don't know.	5	supervisor directly telling you what to do at
6	I don't know.	6	all times, correct?
7	BY MR. WEST:	7	MR. ZURBRIGGEN: Object to
8	Q. Okay. You said you could wait as	8	the form, particularly the
9	little as ten seconds?	9	characterization. Officer.
10	MR. ZURBRIGGEN: Object to	10	BY MR. WEST:
11	form. Officer.	11	Q. Is that correct or is it not correct?
12	THE WITNESS: Yeah, if	12	MR. ZURBRIGGEN: And same
13	exigent circumstances or something	13	objection, but, Officer, you can
14	to that nature, yeah, possibly.	14	answer.
15	BY MR. WEST:	15	THE WITNESS: No, that's not
16	Q. What would you consider to be exigent	16	correct. Normal patrol and SWAT has
17	circumstances that would allow you to breach	17	different tactics. Like it's two
18	a door only ten seconds after knocking?	18	different animals. When it's in
19	MR. ZURBRIGGEN: Object to	19	SWAT a supervisor is right there
20	form. Officer, you can answer if	20	with you all the time. Patrol, when
21	you can.	21	it comes to knock and announcing,
22	THE WITNESS: If we get	22	you're not really serving warrants
23	entail that the guy is wanted for	23	in patrol really for the most part.
24	murder, possibly armed, stuff like	24	BY MR. WEST:
		I	

7 (Pages 25 to 28)

-	Page 29		Page 31
1	Q. Did you receive any training as to what	1	officers assisting SWAT and serving
2	the knock and announce rule was while you	2	warrants, you don't even come in
3	were a patrol officer before you joined SWAT?	3	front of the house until we're done.
4	MR. ZURBRIGGEN: Object to	4	BY MR. WEST:
5	form, particularly as asked and	5	Q. Is it your experience having been both
6	answered. Go ahead, Officer.	6	a patrol officer with the Philadelphia Police
7	THE WITNESS: I don't	7	Department and a member of the SWAT unit with
8	recall. I don't.	8	the Philadelphia Police Department that the
9	BY MR. WEST:	9	SWAT unit waits a less amount of time before
10	Q. Okay. Because I think you just	10	breaching a property under the knock and
11	testified as to what a patrol officer would	11	announce rule?
12	do under the knock and announce rule and I'm	12	MR. ZURBRIGGEN: Object to
13	just wondering what your basis for that	13	the form of the question. Officer,
14	testimony was.	14	if you understand you can answer.
15	MR. ZURBRIGGEN: Object to	15	THE WITNESS: I don't
16	form. Officer, you can answer	16	
17	again.	17	understand the question.
18	THE WITNESS: As a patrol	18	BY MR. WEST:
19	officer, when it comes to warrants,	19	Q. Okay. So you saw the knock and
20	they really don't serve warrants for	20	announce rule used while you were a patrol
21	the most part, they usually call	21	officer, right?
22	SWAT. So most of my knock and		A. I don't like I don't understand what
23	announce, breaching tactics, all	22	you're asking.
24	that came from SWAT.	23	Q. Okay. So you previously testified that
		24	while you were a patrol officer you were
	Page 30		Page 32
1	BY MR. WEST:	1	involved in some warrant enforcement actions,
2	Q. Okay. But patrol officers still do	2	correct?
	()	_	COFFECT?
3	need to serve warrants on occasion, correct?	3	A. To assist SWAT, yes.
3 4			
	need to serve warrants on occasion, correct?	3	A. To assist SWAT, yes.
4	need to serve warrants on occasion, correct? MR. ZURBRIGGEN: Object to	3 4	A. To assist SWAT, yes.Q. Okay. And in those operations, was the
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	need to serve warrants on occasion, correct? MR. ZURBRIGGEN: Object to form, but, Officer, if you know. THE WITNESS: I guess so. I guess. BY MR. WEST: Q. When you were a patrol officer prior to joining the SWAT, didn't you have to serve warrants on occasion? A. Yeah, I assisted SWAT. Like actual homicide warrants and stuff like that, yeah. Q. Okay. And in order to do your job, didn't you have to know what the knock and announce rule was? MR. ZURBRIGGEN: Object to form. THE WITNESS: So when patrol officers are assisting SWAT, you're nowhere around SWAT, they leave you down the block and then once they	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. To assist SWAT, yes. Q. Okay. And in those operations, was the knock and announce rule followed? MR. ZURBRIGGEN: Object to form, but, Officer, if you know. THE WITNESS: I don't know, I wasn't in SWAT at the time. Like I said, when patrol works with SWAT we tell them to wait down the street. What SWAT does is what SWAT does. Now, when I joined SWAT and got the training on how to breach and everything like that, that's when the whole you got to knock and announce your presence, that's when all that came into play. BY MR. WEST: Q. Okay. Under the knock and announce rule, when you knock and announce your presence, are you required to give the

8 (Pages 29 to 32)

	Page 33		Page 35
1	MR. ZURBRIGGEN: Object to	1	Q. Okay. Who did it with you?
2	form, but, Officer, if you know.	2	A. Do you have paperwork? I don't
3	THE WITNESS: Yes.	3	MR. ZURBRIGGEN: It's just
4	BY MR. WEST:	4	if you recall.
5	Q. So how would you do that?	5	THE WITNESS: Oh, I don't
6	MR. ZURBRIGGEN: Object to	6	recall. I know I did go out there
7	form. Officer, you can answer.	7	and put eyes on it.
8	THE WITNESS: How would I	8	BY MR. WEST:
9	give him enough time to come to the	9	Q. Okay. Is there any sort of paperwork
10	door and open the door?	10	that would record who you did that with?
11	BY MR. WEST:	11	A. Yes. Our recon sheets.
12	Q. Yes.	12	Q. Okay.
13	A. You knock and announce, keep knocking	13	A. Oh, you got one there.
14	to announce, and like I said, a reasonable	14	Q. All right, sir, so I'm going to show
15	amount of time, if they don't come to the	15	you a document which was marked earlier today
16	door then we go in.	16	as Scott-5. These documents are Bates
17	Q. So how would you determine if you had	17	stamped from defense 72 to 76. And what I'd
18	waited long enough that the person had a	18	ask you to do is take a moment to review
19	reasonable opportunity to come to the door?	19	these documents and let me know when you've
20	MR. ZURBRIGGEN: Object to	20	had a chance to do that?
21	form. Officer, you can answer.	21	A. Yeah. Good.
22	THE WITNESS: I don't know.	22	Q. Okay. What is this?
23	BY MR. WEST:	23	A. What is this?
24	Q. You didn't have any sort of general	24	Q. Yes.
	D 24		
	Page 34		Page 36
1	time that you would try to follow or anything	1	Page 36 A. Oh, our recon sheet. Basically, it's a
1 2		1 2	
	time that you would try to follow or anything		A. Oh, our recon sheet. Basically, it's a
2	time that you would try to follow or anything like that?	2	A. Oh, our recon sheet. Basically, it's a packet of information on the target, the
2	time that you would try to follow or anything like that? A. Not that I'm aware of.	2	A. Oh, our recon sheet. Basically, it's a packet of information on the target, the location, who has what assignment that we
2 3 4	time that you would try to follow or anything like that? A. Not that I'm aware of. MR. ZURBRIGGEN: And objection for the record. BY MR. WEST:	2 3 4	A. Oh, our recon sheet. Basically, it's a packet of information on the target, the location, who has what assignment that we give out during our briefing.
2 3 4 5	time that you would try to follow or anything like that? A. Not that I'm aware of. MR. ZURBRIGGEN: And objection for the record. BY MR. WEST: Q. And you definitely never received any	2 3 4 5	A. Oh, our recon sheet. Basically, it's a packet of information on the target, the location, who has what assignment that we give out during our briefing. Q. Were you involved in the briefing for
2 3 4 5 6	time that you would try to follow or anything like that? A. Not that I'm aware of. MR. ZURBRIGGEN: And objection for the record. BY MR. WEST: Q. And you definitely never received any training from the Philadelphia Police	2 3 4 5 6 7 8	A. Oh, our recon sheet. Basically, it's a packet of information on the target, the location, who has what assignment that we give out during our briefing. Q. Were you involved in the briefing for this operation? A. Yes. Q. Who did the briefing, you and who else?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	time that you would try to follow or anything like that? A. Not that I'm aware of. MR. ZURBRIGGEN: And objection for the record. BY MR. WEST: Q. And you definitely never received any training from the Philadelphia Police Department about providing a certain amount of time or anything like that, correct? MR. ZURBRIGGEN: And objection to form. THE WITNESS: Like I said, not that I'm aware of. BY MR. WEST: Q. Okay. Have you ever been involved in reconnaissance as part of the SWAT unit? A. Yes. Q. Okay. And were you involved in the reconnaissance of the Torresdale Avenue property? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Oh, our recon sheet. Basically, it's a packet of information on the target, the location, who has what assignment that we give out during our briefing. Q. Were you involved in the briefing for this operation? A. Yes. Q. Who did the briefing, you and who else? A. No, I didn't do the briefing. Q. I'm sorry, when you said involved, you mean that you were present? A. I was there present during the briefing, yes. Q. Okay. So who did the briefing for this operation? A. It had to be one of the supervisors, I'm not sure which one. Q. All right. Do you have any specific recollection of the briefing at this time? A. No. Q. Okay. All right. So my understanding is that the first two pages, defense 72 and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	time that you would try to follow or anything like that? A. Not that I'm aware of. MR. ZURBRIGGEN: And objection for the record. BY MR. WEST: Q. And you definitely never received any training from the Philadelphia Police Department about providing a certain amount of time or anything like that, correct? MR. ZURBRIGGEN: And objection to form. THE WITNESS: Like I said, not that I'm aware of. BY MR. WEST: Q. Okay. Have you ever been involved in reconnaissance as part of the SWAT unit? A. Yes. Q. Okay. And were you involved in the reconnaissance of the Torresdale Avenue property? A. Yes. Q. You were?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Oh, our recon sheet. Basically, it's a packet of information on the target, the location, who has what assignment that we give out during our briefing. Q. Were you involved in the briefing for this operation? A. Yes. Q. Who did the briefing, you and who else? A. No, I didn't do the briefing. Q. I'm sorry, when you said involved, you mean that you were present? A. I was there present during the briefing, yes. Q. Okay. So who did the briefing for this operation? A. It had to be one of the supervisors, I'm not sure which one. Q. All right. Do you have any specific recollection of the briefing at this time? A. No. Q. Okay. All right. So my understanding is that the first two pages, defense 72 and 73, are normally a one-page of a two-sided
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	time that you would try to follow or anything like that? A. Not that I'm aware of. MR. ZURBRIGGEN: And objection for the record. BY MR. WEST: Q. And you definitely never received any training from the Philadelphia Police Department about providing a certain amount of time or anything like that, correct? MR. ZURBRIGGEN: And objection to form. THE WITNESS: Like I said, not that I'm aware of. BY MR. WEST: Q. Okay. Have you ever been involved in reconnaissance as part of the SWAT unit? A. Yes. Q. Okay. And were you involved in the reconnaissance of the Torresdale Avenue property? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Oh, our recon sheet. Basically, it's a packet of information on the target, the location, who has what assignment that we give out during our briefing. Q. Were you involved in the briefing for this operation? A. Yes. Q. Who did the briefing, you and who else? A. No, I didn't do the briefing. Q. I'm sorry, when you said involved, you mean that you were present? A. I was there present during the briefing, yes. Q. Okay. So who did the briefing for this operation? A. It had to be one of the supervisors, I'm not sure which one. Q. All right. Do you have any specific recollection of the briefing at this time? A. No. Q. Okay. All right. So my understanding is that the first two pages, defense 72 and

9 (Pages 33 to 36)

1	Page 37		Page 39
	MR. ZURBRIGGEN: Object to	1	Q. So this map is not very good quality,
2	form, but, Officer, if you know.	2	but I believe it's the same quality that was
3	THE WITNESS: Yes.	3	provided to us. Do you know where this map
4	BY MR. WEST:	4	came from?
5	Q. I'm going to reask the question just in	5	A. Yeah. We make the map.
6	case the objection is correct. Are the first	6	Q. How?
7	two pages of this packet normally a single	7	A. Well, first we choose a staging area
8	two-sided page?	8	where we're going to stage and then we go to
9	MR. ZURBRIGGEN: Same	9	Google Maps or some type of map program and
10	objection, but, Officer, you can	10	we actually draw the route from our staging
11	answer if you know.	11	area to the location.
12	THE WITNESS: Yes.	12	Q. Okay. But the underlying map, I'm not
13	BY MR. WEST:	13	really asking about the drawing, I'm just
14	Q. Okay. Now, the other pages in this	14	asking about the underlying map, itself, do
15	packet, it's three additional pages, are they	15	you know where this came from? Did it come
16	normally part of the reconnaissance packet?	16	from Google Maps or something else?
17	MR. ZURBRIGGEN: Objection	17	A. I'll say Google Maps.
18	for the record, but go ahead,	18	Q. Is that what you usually use, Google
19	Officer.	19	Maps?
20	THE WITNESS: Yes. We	20	A. Yeah, we use Google Maps.
21	always have a map, you know, a	21	Q. And is this the only Google Maps image
22	picture of our target and a picture	22	that you used as part of the reconnaissance?
23	of the property.	23	MR. ZURBRIGGEN: Object to
24	BY MR. WEST:	24	form, but, Officer, if you know.
	BT MR. WEST.		10111, 041, 011101, 12 , 04 1410
	Page 38		Page 40
1	Q. Besides these pages that we have	1	THE WITNESS: Yes. It's in
2	stapled together as Scott-5, were there any	2	the packet, it's the only one.
3	additional documents as part of the	3	BY MR. WEST:
4	reconnaissance package for the warrant	4	Q. Okay. Now, from this Google Map, this
5	enforcement action at 4664 Torresdale Avenue?	5	is kind of a birds-eye view, it's far enough
6	MR. ZURBRIGGEN: Object to	6	away that you can't really see the specific
7	form, but, Officer, if you know.	7	property; is that correct
8	THE WITNESS: This is	8	MR. ZURBRIGGEN: Object to
	usually the packet that we get. It	9	form. Officer.
9			Iorni. Onicer.
9 10	contains like I said, the recon	10	THE WITNESS: It is a
	contains like I said, the recon sheet, the map, the target, and the	10	
10	sheet, the map, the target, and the picture of the property.		THE WITNESS: It is a birds-eye view, yes. Top down. BY MR. WEST:
10 11	sheet, the map, the target, and the picture of the property. BY MR. WEST:	11	THE WITNESS: It is a birds-eye view, yes. Top down.
10 11 12	sheet, the map, the target, and the picture of the property.	11 12	THE WITNESS: It is a birds-eye view, yes. Top down. BY MR. WEST:
10 11 12 13	sheet, the map, the target, and the picture of the property. BY MR. WEST: Q. So as far as you're aware, this was the complete packet, correct?	11 12 13 14 15	THE WITNESS: It is a birds-eye view, yes. Top down. BY MR. WEST: Q. As part of the reconnaissance, would you ever look at Google Maps of the specific target property?
10 11 12 13 14	sheet, the map, the target, and the picture of the property. BY MR. WEST: Q. So as far as you're aware, this was the complete packet, correct? A. Yes.	11 12 13 14	THE WITNESS: It is a birds-eye view, yes. Top down. BY MR. WEST: Q. As part of the reconnaissance, would you ever look at Google Maps of the specific
10 11 12 13 14 15	sheet, the map, the target, and the picture of the property. BY MR. WEST: Q. So as far as you're aware, this was the complete packet, correct? A. Yes. Q. Okay. And if we look to the bottom of	11 12 13 14 15 16 17	THE WITNESS: It is a birds-eye view, yes. Top down. BY MR. WEST: Q. As part of the reconnaissance, would you ever look at Google Maps of the specific target property? A. Yes. Q. Is there any reason you didn't do that
10 11 12 13 14 15 16 17	sheet, the map, the target, and the picture of the property. BY MR. WEST: Q. So as far as you're aware, this was the complete packet, correct? A. Yes. Q. Okay. And if we look to the bottom of the second page in this packet, page 73, this	11 12 13 14 15 16 17	THE WITNESS: It is a birds-eye view, yes. Top down. BY MR. WEST: Q. As part of the reconnaissance, would you ever look at Google Maps of the specific target property? A. Yes. Q. Is there any reason you didn't do that for this operation?
10 11 12 13 14 15 16 17 18	sheet, the map, the target, and the picture of the property. BY MR. WEST: Q. So as far as you're aware, this was the complete packet, correct? A. Yes. Q. Okay. And if we look to the bottom of the second page in this packet, page 73, this memorializes that the reconnaissance was done	11 12 13 14 15 16 17 18	THE WITNESS: It is a birds-eye view, yes. Top down. BY MR. WEST: Q. As part of the reconnaissance, would you ever look at Google Maps of the specific target property? A. Yes. Q. Is there any reason you didn't do that for this operation? MR. ZURBRIGGEN: Object to
10 11 12 13 14 15 16 17 18 19	sheet, the map, the target, and the picture of the property. BY MR. WEST: Q. So as far as you're aware, this was the complete packet, correct? A. Yes. Q. Okay. And if we look to the bottom of the second page in this packet, page 73, this memorializes that the reconnaissance was done by yourself and Sergeant Mellody; is that	11 12 13 14 15 16 17	THE WITNESS: It is a birds-eye view, yes. Top down. BY MR. WEST: Q. As part of the reconnaissance, would you ever look at Google Maps of the specific target property? A. Yes. Q. Is there any reason you didn't do that for this operation?
10 11 12 13 14 15 16 17 18	sheet, the map, the target, and the picture of the property. BY MR. WEST: Q. So as far as you're aware, this was the complete packet, correct? A. Yes. Q. Okay. And if we look to the bottom of the second page in this packet, page 73, this memorializes that the reconnaissance was done	11 12 13 14 15 16 17 18	THE WITNESS: It is a birds-eye view, yes. Top down. BY MR. WEST: Q. As part of the reconnaissance, would you ever look at Google Maps of the specific target property? A. Yes. Q. Is there any reason you didn't do that for this operation? MR. ZURBRIGGEN: Object to
10 11 12 13 14 15 16 17 18 19	sheet, the map, the target, and the picture of the property. BY MR. WEST: Q. So as far as you're aware, this was the complete packet, correct? A. Yes. Q. Okay. And if we look to the bottom of the second page in this packet, page 73, this memorializes that the reconnaissance was done by yourself and Sergeant Mellody; is that correct? A. That's correct.	11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: It is a birds-eye view, yes. Top down. BY MR. WEST: Q. As part of the reconnaissance, would you ever look at Google Maps of the specific target property? A. Yes. Q. Is there any reason you didn't do that for this operation? MR. ZURBRIGGEN: Object to form, but, Officer. THE WITNESS: We did. It's right here.
10 11 12 13 14 15 16 17 18 19 20 21 22 23	sheet, the map, the target, and the picture of the property. BY MR. WEST: Q. So as far as you're aware, this was the complete packet, correct? A. Yes. Q. Okay. And if we look to the bottom of the second page in this packet, page 73, this memorializes that the reconnaissance was done by yourself and Sergeant Mellody; is that correct? A. That's correct. Q. Was it just the two of you who did it?	11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: It is a birds-eye view, yes. Top down. BY MR. WEST: Q. As part of the reconnaissance, would you ever look at Google Maps of the specific target property? A. Yes. Q. Is there any reason you didn't do that for this operation? MR. ZURBRIGGEN: Object to form, but, Officer. THE WITNESS: We did. It's right here. BY MR. WEST:
10 11 12 13 14 15 16 17 18 19 20 21	sheet, the map, the target, and the picture of the property. BY MR. WEST: Q. So as far as you're aware, this was the complete packet, correct? A. Yes. Q. Okay. And if we look to the bottom of the second page in this packet, page 73, this memorializes that the reconnaissance was done by yourself and Sergeant Mellody; is that correct? A. That's correct.	11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: It is a birds-eye view, yes. Top down. BY MR. WEST: Q. As part of the reconnaissance, would you ever look at Google Maps of the specific target property? A. Yes. Q. Is there any reason you didn't do that for this operation? MR. ZURBRIGGEN: Object to form, but, Officer. THE WITNESS: We did. It's right here.

10 (Pages 37 to 40)

	Page 41		Page 43
1	but this target photo, you think that's from	1	there?
2	Google Maps?	2	BY MR. WEST:
3	A. Yes. I believe that's from Google	3	Q. Uh-huh.
4	Maps. And then, that's why we also go out	4	A. I mean, our names is enough. I mean, I
5	and put eyes on it. So sometimes you'll have	5	guess so. I mean, our names are at the
6	Google Maps won't be updated for the most	6	bottom so we went out and reconned it.
7	part, so sometimes the property could be	7	Q. Did you take any pictures while you
8	different, whatever the case may be, so	8	were out there in person?
9	that's why we also go out and put eyes on it	9	A. I don't recall.
10	to make sure what we're seeing matches what	10	Q. Do you have any written recollections
11	Google Maps has.	11	that are from being there in person?
12	Q. Is there anywhere in this recon sheet	12	MR. ZURBRIGGEN: Object to
13	that memorializes that any sort of in-person	13	form, but, Officer, if you
14	inspection of the property was done?	14	understand.
15	MR. ZURBRIGGEN: Object to	15	THE WITNESS: Not that I'm
16	form, but, Officer, if you know.	16	aware of.
17	THE WITNESS: I don't	17	BY MR. WEST:
18	understand.	18	Q. Okay. Do you specifically have any
19	BY MR. WEST:	19	recollection today of actually having been
20	Q. Well, you said you put eyes on it,	20	there in person?
21	correct?	21	A. Yes.
22	A. Yes.	22	Q. How did you get there?
23	Q. That means that you go out in person or	23	A. What do you mean how did I get there?
24	not?	24	Q. How did you get there? If you were
	Page 42		Danie 44
			Page 44
1		1	Page 44 there in person how did you get there?
1 2	A. Yeah. We go out in person, yes.	1 2	there in person, how did you get there?
	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that		there in person, how did you get there? A. We drove there.
2	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there	2	there in person, how did you get there? A. We drove there. Q. Where did you drive from?
2	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person?	2 3	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters.
2 3 4	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes.	2 3 4	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take?
2 3 4 5	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where?	2 3 4 5	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to
2 3 4 5 6	A. Yeah. We go out in person, yes.Q. Is there anywhere on this document that records that anyone actually went out there in person?A. Yes.Q. Where?A. Right at the bottom where it says recon	2 3 4 5 6	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it.
2 3 4 5 6 7	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where?	2 3 4 5 6 7	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to
2 3 4 5 6 7 8	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where? A. Right at the bottom where it says reconconducted by Clark and Sergeant Mellody.	2 3 4 5 6 7 8	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it. Q. What road did you take to get there?
2 3 4 5 6 7 8 9	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where? A. Right at the bottom where it says recon conducted by Clark and Sergeant Mellody. Q. Okay. And reconnaissance is the whole	2 3 4 5 6 7 8	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it. Q. What road did you take to get there? MR. ZURBRIGGEN: Object to
2 3 4 5 6 7 8 9	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where? A. Right at the bottom where it says recon conducted by Clark and Sergeant Mellody. Q. Okay. And reconnaissance is the whole thing, by looking at the Google Maps, as	2 3 4 5 6 7 8 9	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it. Q. What road did you take to get there? MR. ZURBRIGGEN: Object to the form as asked and answered.
2 3 4 5 6 7 8 9 10	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where? A. Right at the bottom where it says recon conducted by Clark and Sergeant Mellody. Q. Okay. And reconnaissance is the whole thing, by looking at the Google Maps, as well, right?	2 3 4 5 6 7 8 9 10	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it. Q. What road did you take to get there? MR. ZURBRIGGEN: Object to the form as asked and answered. Officer.
2 3 4 5 6 7 8 9 10 11	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where? A. Right at the bottom where it says recon conducted by Clark and Sergeant Mellody. Q. Okay. And reconnaissance is the whole thing, by looking at the Google Maps, as well, right? MR. ZURBRIGGEN: Object to	2 3 4 5 6 7 8 9 10 11	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it. Q. What road did you take to get there? MR. ZURBRIGGEN: Object to the form as asked and answered. Officer. THE WITNESS: I don't
2 3 4 5 6 7 8 9 10 11 12 13	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where? A. Right at the bottom where it says recon conducted by Clark and Sergeant Mellody. Q. Okay. And reconnaissance is the whole thing, by looking at the Google Maps, as well, right? MR. ZURBRIGGEN: Object to form, but, Officer.	2 3 4 5 6 7 8 9 10 11 12 13	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it. Q. What road did you take to get there? MR. ZURBRIGGEN: Object to the form as asked and answered. Officer. THE WITNESS: I don't remember. We drove from
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where? A. Right at the bottom where it says recon conducted by Clark and Sergeant Mellody. Q. Okay. And reconnaissance is the whole thing, by looking at the Google Maps, as well, right? MR. ZURBRIGGEN: Object to form, but, Officer. THE WITNESS: Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it. Q. What road did you take to get there? MR. ZURBRIGGEN: Object to the form as asked and answered. Officer. THE WITNESS: I don't remember. We drove from headquarters.
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where? A. Right at the bottom where it says recon conducted by Clark and Sergeant Mellody. Q. Okay. And reconnaissance is the whole thing, by looking at the Google Maps, as well, right? MR. ZURBRIGGEN: Object to form, but, Officer. THE WITNESS: Yes. BY MR. WEST:	2 3 4 5 6 7 8 9 10 11 12 13 14	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it. Q. What road did you take to get there? MR. ZURBRIGGEN: Object to the form as asked and answered. Officer. THE WITNESS: I don't remember. We drove from headquarters. BY MR. WEST: Q. All right. Based on your reconnaissance, how many outside doors were
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where? A. Right at the bottom where it says recon conducted by Clark and Sergeant Mellody. Q. Okay. And reconnaissance is the whole thing, by looking at the Google Maps, as well, right? MR. ZURBRIGGEN: Object to form, but, Officer. THE WITNESS: Yes. BY MR. WEST: Q. So besides that notation recon, is	2 3 4 5 6 7 8 9 10 11 12 13 14 15	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it. Q. What road did you take to get there? MR. ZURBRIGGEN: Object to the form as asked and answered. Officer. THE WITNESS: I don't remember. We drove from headquarters. BY MR. WEST: Q. All right. Based on your
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where? A. Right at the bottom where it says recon conducted by Clark and Sergeant Mellody. Q. Okay. And reconnaissance is the whole thing, by looking at the Google Maps, as well, right? MR. ZURBRIGGEN: Object to form, but, Officer. THE WITNESS: Yes. BY MR. WEST: Q. So besides that notation recon, is there anything in here that specifically shows that you and/or Sergeant Mellody actually went to the property?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it. Q. What road did you take to get there? MR. ZURBRIGGEN: Object to the form as asked and answered. Officer. THE WITNESS: I don't remember. We drove from headquarters. BY MR. WEST: Q. All right. Based on your reconnaissance, how many outside doors were
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where? A. Right at the bottom where it says recon conducted by Clark and Sergeant Mellody. Q. Okay. And reconnaissance is the whole thing, by looking at the Google Maps, as well, right? MR. ZURBRIGGEN: Object to form, but, Officer. THE WITNESS: Yes. BY MR. WEST: Q. So besides that notation recon, is there anything in here that specifically shows that you and/or Sergeant Mellody actually went to the property? MR. ZURBRIGGEN: Same	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it. Q. What road did you take to get there? MR. ZURBRIGGEN: Object to the form as asked and answered. Officer. THE WITNESS: I don't remember. We drove from headquarters. BY MR. WEST: Q. All right. Based on your reconnaissance, how many outside doors were there to 4664 Torresdale Avenue?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where? A. Right at the bottom where it says recon conducted by Clark and Sergeant Mellody. Q. Okay. And reconnaissance is the whole thing, by looking at the Google Maps, as well, right? MR. ZURBRIGGEN: Object to form, but, Officer. THE WITNESS: Yes. BY MR. WEST: Q. So besides that notation recon, is there anything in here that specifically shows that you and/or Sergeant Mellody actually went to the property? MR. ZURBRIGGEN: Same objection, but, Officer, if you can.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it. Q. What road did you take to get there? MR. ZURBRIGGEN: Object to the form as asked and answered. Officer. THE WITNESS: I don't remember. We drove from headquarters. BY MR. WEST: Q. All right. Based on your reconnaissance, how many outside doors were there to 4664 Torresdale Avenue? MR. ZURBRIGGEN: Object to the form of the question. Officer, you can answer.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where? A. Right at the bottom where it says recon conducted by Clark and Sergeant Mellody. Q. Okay. And reconnaissance is the whole thing, by looking at the Google Maps, as well, right? MR. ZURBRIGGEN: Object to form, but, Officer. THE WITNESS: Yes. BY MR. WEST: Q. So besides that notation recon, is there anything in here that specifically shows that you and/or Sergeant Mellody actually went to the property? MR. ZURBRIGGEN: Same objection, but, Officer, if you can. THE WITNESS: So you're	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it. Q. What road did you take to get there? MR. ZURBRIGGEN: Object to the form as asked and answered. Officer. THE WITNESS: I don't remember. We drove from headquarters. BY MR. WEST: Q. All right. Based on your reconnaissance, how many outside doors were there to 4664 Torresdale Avenue? MR. ZURBRIGGEN: Object to the form of the question. Officer, you can answer. THE WITNESS: If this
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where? A. Right at the bottom where it says recon conducted by Clark and Sergeant Mellody. Q. Okay. And reconnaissance is the whole thing, by looking at the Google Maps, as well, right? MR. ZURBRIGGEN: Object to form, but, Officer. THE WITNESS: Yes. BY MR. WEST: Q. So besides that notation recon, is there anything in here that specifically shows that you and/or Sergeant Mellody actually went to the property? MR. ZURBRIGGEN: Same objection, but, Officer, if you can. THE WITNESS: So you're asking if it's anything recorded	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it. Q. What road did you take to get there? MR. ZURBRIGGEN: Object to the form as asked and answered. Officer. THE WITNESS: I don't remember. We drove from headquarters. BY MR. WEST: Q. All right. Based on your reconnaissance, how many outside doors were there to 4664 Torresdale Avenue? MR. ZURBRIGGEN: Object to the form of the question. Officer, you can answer. THE WITNESS: If this picture was clearer I could tell
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yeah. We go out in person, yes. Q. Is there anywhere on this document that records that anyone actually went out there in person? A. Yes. Q. Where? A. Right at the bottom where it says recon conducted by Clark and Sergeant Mellody. Q. Okay. And reconnaissance is the whole thing, by looking at the Google Maps, as well, right? MR. ZURBRIGGEN: Object to form, but, Officer. THE WITNESS: Yes. BY MR. WEST: Q. So besides that notation recon, is there anything in here that specifically shows that you and/or Sergeant Mellody actually went to the property? MR. ZURBRIGGEN: Same objection, but, Officer, if you can. THE WITNESS: So you're	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	there in person, how did you get there? A. We drove there. Q. Where did you drive from? A. Our headquarters. Q. What road did you take? A. We just drove from our headquarters to put eyes on it to recon it. Q. What road did you take to get there? MR. ZURBRIGGEN: Object to the form as asked and answered. Officer. THE WITNESS: I don't remember. We drove from headquarters. BY MR. WEST: Q. All right. Based on your reconnaissance, how many outside doors were there to 4664 Torresdale Avenue? MR. ZURBRIGGEN: Object to the form of the question. Officer, you can answer. THE WITNESS: If this

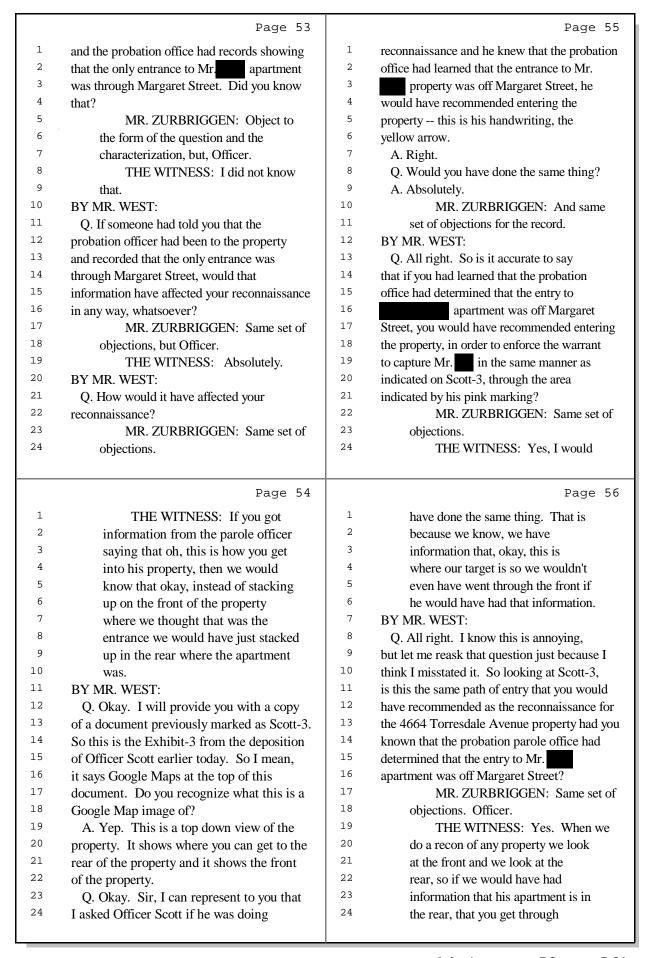
11 (Pages 41 to 44)

	Page 45		Page 47
1	BY MR. WEST:	1	look and see where that R is, if you
2	Q. Okay. But so far as you are aware,	2	can see it on the map. You probably
3	based on your memory and review of these	3	can't see. I can point it out to
4	documents, the only doors to the outside of	4	you if you want me to.
5	the property would be recorded in the	5	MR. ZURBRIGGEN: You can
6	photograph at defense 75, right?	6	just describe it for now, Officer.
7	MR. ZURBRIGGEN: Object to	7	THE WITNESS: Yeah. So if
8	form. Officer, if you know.	8	you see where it says R, basically
9	THE WITNESS: Yes.	9	that tells our rear containment
10	BY MR. WEST:	10	where to go because there's a door
11	Q. Okay. And no other doors were	11	back there. Now, if there wasn't a
12	discovered during the reconnaissance of this	12	door back there, like they can't get
13	property, correct?	13	out, then we wouldn't put our rear
14	MR. ZURBRIGGEN: Object to	14	containment back there.
15	form. Officer, you can answer.	15	BY MR. WEST:
16	THE WITNESS: On the front	16	Q. When you went out and inspected the
17	or the rear location, is that what	17	property in person, did you look at the rear
18	you're asking?	18	door?
19	BY MR. WEST:	19	A. Yes.
20	Q. I'm asking any outside doors to this	20	Q. You did?
21	building.	21	A. Yes.
22	6	22	
23	A. Yeah. Eventually we found one in the	23	Q. Did you take a photograph of the rear door?
24	rear.	24	A. No.
21	Q. But not as part of reconnaissance,	21	A. No.
	Page 46		Page 48
1	correct?	1	Q. Why not?
2			Q. Willy Hot:
	A. Yeah.	2	A. Why should I?
3	A. Yeah. Q. That is correct, right?	2	- •
3 4	Q. That is correct, right?		A. Why should I?
	Q. That is correct, right?A. That is correct. We went out, you have	3	A. Why should I? Q. Well, you knew that the warrant
4	Q. That is correct, right?	3 4	A. Why should I? Q. Well, you knew that the warrant specified that it was for the rear, right?
4 5	Q. That is correct, right? A. That is correct. We went out, you have to look at the rear of the house and you have	3 4 5	A. Why should I? Q. Well, you knew that the warrant specified that it was for the rear, right? MR. ZURBRIGGEN: Object to
4 5 6	Q. That is correct, right? A. That is correct. We went out, you have to look at the rear of the house and you have to look at the front of the house.	3 4 5 6	A. Why should I? Q. Well, you knew that the warrant specified that it was for the rear, right? MR. ZURBRIGGEN: Object to form. Officer, if you know.
4 5 6 7	Q. That is correct, right?A. That is correct. We went out, you have to look at the rear of the house and you have to look at the front of the house.Q. Okay. As part of the reconnaissance,	3 4 5 6 7	A. Why should I? Q. Well, you knew that the warrant specified that it was for the rear, right? MR. ZURBRIGGEN: Object to form. Officer, if you know. THE WITNESS: Well, so the
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. That is correct, right? A. That is correct. We went out, you have to look at the rear of the house and you have to look at the front of the house. Q. Okay. As part of the reconnaissance, did you know that there was a rear door? MR. ZURBRIGGEN: Object to form. Officer, if you recall. THE WITNESS: Yes. BY MR. WEST: Q. Okay. Where is that written down on this recon sheet? MR. ZURBRIGGEN: Object to form. Officer, if you know. THE WITNESS: It's not going to be written down here. We're going to tell our rear containment where the rear door is. Actually,	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Why should I? Q. Well, you knew that the warrant specified that it was for the rear, right? MR. ZURBRIGGEN: Object to form. Officer, if you know. THE WITNESS: Well, so the way this property was set up, the way the property was set up, there was two mailboxes on the front of the house, so what I can recall is, okay, this must be one of those properties, because we seen it all before, there's going to be stairs that shoot up and then there's going to be a first-floor apartment. BY MR. WEST: Q. You knew that there was a rear door to the building, correct? MR. ZURBRIGGEN: Object to
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. That is correct, right? A. That is correct. We went out, you have to look at the rear of the house and you have to look at the front of the house. Q. Okay. As part of the reconnaissance, did you know that there was a rear door? MR. ZURBRIGGEN: Object to form. Officer, if you recall. THE WITNESS: Yes. BY MR. WEST: Q. Okay. Where is that written down on this recon sheet? MR. ZURBRIGGEN: Object to form. Officer, if you know. THE WITNESS: It's not going to be written down here. We're going to tell our rear containment where the rear door is. Actually, if you look, this map is kind of	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Why should I? Q. Well, you knew that the warrant specified that it was for the rear, right? MR. ZURBRIGGEN: Object to form. Officer, if you know. THE WITNESS: Well, so the way this property was set up, the way the property was set up, there was two mailboxes on the front of the house, so what I can recall is, okay, this must be one of those properties, because we seen it all before, there's going to be stairs that shoot up and then there's going to be a first-floor apartment. BY MR. WEST: Q. You knew that there was a rear door to the building, correct? MR. ZURBRIGGEN: Object to form and as asked and answered.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. That is correct, right? A. That is correct. We went out, you have to look at the rear of the house and you have to look at the front of the house. Q. Okay. As part of the reconnaissance, did you know that there was a rear door? MR. ZURBRIGGEN: Object to form. Officer, if you recall. THE WITNESS: Yes. BY MR. WEST: Q. Okay. Where is that written down on this recon sheet? MR. ZURBRIGGEN: Object to form. Officer, if you know. THE WITNESS: It's not going to be written down here. We're going to tell our rear containment where the rear door is. Actually, if you look, this map is kind of unclear, but basically, this map	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Why should I? Q. Well, you knew that the warrant specified that it was for the rear, right? MR. ZURBRIGGEN: Object to form. Officer, if you know. THE WITNESS: Well, so the way this property was set up, the way the property was set up, there was two mailboxes on the front of the house, so what I can recall is, okay, this must be one of those properties, because we seen it all before, there's going to be stairs that shoot up and then there's going to be a first-floor apartment. BY MR. WEST: Q. You knew that there was a rear door to the building, correct? MR. ZURBRIGGEN: Object to form and as asked and answered. Officer.

12 (Pages 45 to 48)

	Page 49		Page 51
1	Q. And you knew that the warrant specified	1	BY MR. WEST:
2	that it was to the rear apartment, correct?	2	Q. In your experience, that's not
3	MR. ZURBRIGGEN: Object to	3	considered important; is that correct?
4	form. Officer, if you know.	4	MR. ZURBRIGGEN: Same
5	BY MR. WEST:	5	objection. Officer.
6	Q. You can just answer the question I'm	6	THE WITNESS: I don't know.
7	asking. You knew that, correct?	7	BY MR. WEST:
8	A. Yes. But	8	Q. All right. So you're aware of the fact
9	Q. Okay. There's no pending question.	9	that if somebody is on probation, that means
10	Since you knew that the warrant was	10	that somebody from the probation parole
11	specifically for the rear apartment and you	11	office has inspected the residence of the
12	knew that there was a rear door, did it occur	12	probation person, right?
13	to you that the entrance for the rear	13	MR. ZURBRIGGEN: Object to
14	apartment might be the rear door?	14	form. Officer, if you know.
15	MR. ZURBRIGGEN: Object to	15	THE WITNESS: I don't know,
16	form.	16	that's just an assumption.
17	THE WITNESS: No. Because	17	BY MR. WEST:
18	there were two mailboxes on the	18	Q. You never received any training about
19	front of the property and no mailbox	19	that?
20	on the back of the property, so we	20	MR. ZURBRIGGEN: Same
21	just assumed that that was just,	21	objection.
22	okay, a rear door that somebody can	22	THE WITNESS: That probation
23	get out of.	23	parole goes out and checks the
24	BY MR. WEST:	24	location of where the person on
			common or where are provided and
	Page 50		
	Page 30		Page 52
1		1	Page 52
1 2	Q. Okay. The suspect in this case is	1 2	probation lives?
2	Q. Okay. The suspect in this case is named , correct?	2	probation lives? BY MR. WEST:
2	Q. Okay. The suspect in this case is named correct? A. Uh, let me look at that.	2	probation lives? BY MR. WEST: Q. Yes.
2 3 4	Q. Okay. The suspect in this case is named , correct? A. Uh, let me look at that. Q. I can just represent to you his name is	2 3 4	probation lives? BY MR. WEST: Q. Yes. A. Yeah. I heard they did, it don't mean
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2 3 4 5 6 7	Q. Okay. The suspect in this case is named , correct? A. Uh, let me look at that. Q. I can just represent to you his name is Okay? A. Okay. Q. Do you know whether or not he was on	2 3 4 5 6 7	probation lives? BY MR. WEST: Q. Yes. A. Yeah. I heard they did, it don't mean that they done it. They should go out and do it, it doesn't mean that they go out and actually do it.
2 3 4 5 6 7 8	Q. Okay. The suspect in this case is named , correct? A. Uh, let me look at that. Q. I can just represent to you his name is Okay? A. Okay. Q. Do you know whether or not he was on probation or parole at the time?	2 3 4 5 6 7 8	probation lives? BY MR. WEST: Q. Yes. A. Yeah. I heard they did, it don't mean that they done it. They should go out and do it, it doesn't mean that they go out and actually do it. Q. So if you're conducting reconnaissance
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13 (Pages 49 to 52)



14 (Pages 53 to 56)

	Page 57		Page 59
1	through Margaret Street, then that's	1	of steps we had to go up to get to
2	how we would have entered the	2	the second floor.
3		3	BY MR. WEST:
4	property. BY MR. WEST:	4	Q. But did you at least consider the
5	Q. Okay. Did you look at this Google Map	5	possibility that the rear apartment entrance
6		6	
7	image or a similar one as part of your reconnaissance?	7	was through the rear door? MR. ZURBRIGGEN: Object to
8	MR. ZURBRIGGEN: Object to	8	form and asked and answered. Go
9	the form, but, Officer, if you know.	9	ahead, Officer.
10	THE WITNESS: Yes.	10	THE WITNESS: No. Because
11	BY MR. WEST:	11	like I said, the way the property
12	Q. And so you knew that there was a rear	12	was set up the two front mailboxes
13	entrance to the property off Margaret Street,	13	that were on the front of the
14	correct?	14	property, I mean, that would make
15	MR. ZURBRIGGEN: Object to	15	anybody assume that okay, this is
16	the form and asked and answered.	16	the front door to get to both
17	THE WITNESS: Yes.	17	apartments and the back door was
18	BY MR. WEST:	18	just the back door.
19	Q. Did you, as part of your	19	MR. WEST: Okay. I don't
20	reconnaissance, investigate whether there	20	really mean to just only reuse Scott
21	might be a door to enter the property off	21	exhibits.
22	Margaret Street?	22	THE WITNESS: That's fine.
23	MR. ZURBRIGGEN: Same set of	23	BY MR. WEST:
24	objections. Officer.	24	Q. Well, I was speaking to your attorney
	·		
	Page 58		Page 60
1	Page 58 THE WITNESS: So what I	1	Page 60 really, but they're just at hand.
1 2		1 2	
	THE WITNESS: So what I recall, we reconned it, we went back there and we had to count how many		really, but they're just at hand. A. Oh. Q. But I'm going to use here Scott
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: So what I recall, we reconned it, we went back there and we had to count how many houses down off the corner of the property so we could set up our rear containment just in case somebody bails out. So I would say since I believe that in front of the property there's two mailboxes, so the properties, numerous properties that we had apartments set up like that and we see two mailboxes, you wouldn't think that, okay, that the entrance to the second floor apartment is in the rear because the mailbox is not there, it's on the front of the property. So we were expecting well, what I was expecting when I breached the door, that we go in, there was going to be probably a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	really, but they're just at hand. A. Oh. Q. But I'm going to use here Scott Exhibit-2, another exhibit from earlier today. A. Thank you. Q. If you can just look at this document and tell me what it is if you know? A. It looks like a rear of a property. It's not a very good picture. Q. Is this the rear of the 4664 Torresdale Avenue property? A. You know what, I don't recall. Q. Are you sure you ever actually saw it? MR. ZURBRIGGEN: Object to form. THE WITNESS: Yeah. BY MR. WEST: Q. Okay. But you don't remember if this is what it looks like? A. Right. Q. Did the rear of the property look like

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Page 61 Page 63 1 Q. Okay. So was it a pretty normal thing 1 Q. So when the door to Ms. Alvarado's 2 2 apartment was ultimately breached, you're the then that you and Sergeant Mellody would do 3 3 one who was using the ram, correct? Well, reconnaissance together? 4 4 let me ask. So without looking at the MR. ZURBRIGGEN: Object to 5 5 records, I'm really just asking based on your form. 6 6 personal memory. Do you even remember if he THE WITNESS: It depends. 7 7 did that? Other guys would go out. It 8 8 A. I don't recall, that's why I was trying depends. It depends on the night. 9 9 It could be other officers that go to see if he detailed it on the recon. 10 10 Q. And that's fine, but just to be clear, out, it could be other supervisors 11 11 my question was based on your personal that go out, it just depends. 12 12 memory. So just to make sure I understand, BY MR. WEST: 13 13 today you don't have any personal Q. I can represent to you that in Sergeant 14 14 Mellody's investigation interview record he recollection of having breached the 4664 15 Torresdale Avenue door, correct? 15 said that Police Officer Eric Clark, you took 16 A. I know I was part of the breaching 16 the door with a ram. Does that refresh your 17 17 team, I don't know if I had the ram or the recollection if you had the ram or the 18 halligan because we usually bring multiple 18 halligan tool? 19 19 MR. ZURBRIGGEN: Object to 20 20 Q. Okay. At some point a dog was shot as form but, Officer, if you can. 21 part of this operation, correct? 21 THE WITNESS: Yes. Then, 22 22 A. Yes. yeah, if I took the door I had the 23 23 Q. And you, personally, did not view the ram, yes. 24 24 dog at the time of the shooting; is that BY MR. WEST: Page 62 Page 64 1 1 Q. Okay. And I'm just asking if it correct? 2 2 refreshes your recollection. Do you now A. No. 3 3 remember doing it or you're not sure? Q. You didn't see it when the dog got 4 4 shot, right? A. Yeah. Well, actually, I was going to 5 5 point out, in one of the questions it says A. No. 6 6 Q. So you wouldn't know personally if the dog was barking, I announced and yelled 7 7 Officer Song was bitten or anything like dog as I breached the front door, so I'm 8 8 that, correct? assuming I had the -- not assuming, I had the 9 9 MR. ZURBRIGGEN: Object to 10 10 form. Q. Okay. Why did you breach the door? 11 11 THE WITNESS: No. A. I got the go ahead from the supervisor 12 12 to breach the door. BY MR. WEST: 13 13 Q. It is correct or not correct? Q. Did you knock on the door? 14 14 MR. ZURBRIGGEN: Same A. I don't know. I don't know if I did 15 15 objection. Officer, if you know. both or I had my partner knock on the door 16 THE WITNESS: I didn't see 16 while I stood on standby with the ram. 17 17 Q. All right. Is it fair to say that you it, no. 18 BY MR. WEST: 18 have no specific recollection of the door 19 19 Q. Had you ever done reconnaissance with being knocked on at this time, correct? 20 Sergeant Mellody prior to this incident? 20 A. No. 21 21 A. Yes. O. It is correct or no? 22 22 Q. How many times? Can you give an A. Or who knocked on the door, rather I 23 23 estimate or an approximation? did or my partner did. 24 24 A. I'd say more than ten times. Q. Do you have any specific recollection

16 (Pages 61 to 64)

	Page 65		Page 67
1	of anyone knocking on the door at this time?	1	THE WITNESS: You gotta ask
2	MR. ZURBRIGGEN: Object to	2	the supervisor that. Like he gives
3	form. Officer.	3	the go ahead.
4	WITNESS: I don't know.	4	BY MR. WEST:
5	Like I said, I don't know if I did	5	Q. Okay. But you're not personally aware
6	or my partner did, but the door was	6	of any exigent circumstances, correct?
7	knocked on. I don't know who did	7	MR. ZURBRIGGEN: Same
8	it, if I did it or my partner did	8	objection.
9	it.	9	THE WITNESS: Not that I can
10	BY MR. WEST:	10	recall.
11	Q. Okay. Do you actually remember someone	11	BY MR. WEST:
12	knocking on the door at this time or are you	12	Q. All right. I would like to show you
13	just assuming it happened?	13	the video. We don't have the advanced
14	MR. ZURBRIGGEN: Same	14	technology to record that I'm showing you the
15	objection.	15	video, but whatever, it will be fine for the
16	THE WITNESS: No. We	16	written record. All right. Have you ever
17	knocked on the door, I'm just not	17	seen the video of this incident?
18	sure who did it.	18	A. No.
19	BY MR. WEST:	19	Q. Do you have any idea how a video of
20	Q. How much time passed between the door	20	this incident was recorded?
21	being knocked on and you breaching it with	21	A. No.
22	the ram?	22	Q. Did you even know that a video of this
23	A. I don't know. Maybe a couple seconds,	23	incident was recorded until I just said it?
24	maybe. I'm not sure.	24	MR. ZURBRIGGEN: Object to
		1	
	Page 66		Page 68
1		1	Page 68 form. Officer.
1 2	Page 66 Q. A couple seconds? A. I would say maybe ten seconds. I don't	1 2	
	Q. A couple seconds?		form. Officer.
2	Q. A couple seconds?A. I would say maybe ten seconds. I don't	2	form. Officer. THE WITNESS: No.
2	Q. A couple seconds?A. I would say maybe ten seconds. I don't know.	2	form. Officer. THE WITNESS: No. BY MR. WEST:
2 3 4	Q. A couple seconds?A. I would say maybe ten seconds. I don't know.Q. So ten or less seconds, correct?	2 3 4	form. Officer. THE WITNESS: No. BY MR. WEST: Q. All right, sir, so I can represent to you that this video was provided to us by the City of Philadelphia as part of the discovery
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	Page 69		Page 71
1	objection to form, but, Officer, if	1	Philadelphia Police Department, was this
2	you can observe.	2	sufficient as a knock and announce under the
3	THE WITNESS: Sure.	3	knock and announce rule?
4	BY MR. WEST:	4	MR. ZURBRIGGEN: Object to
5	Q. Okay. So I paused the video at two	5	form and as asked and answered.
6	minutes and twenty-two seconds. Can you see	6	Officer, you can answer again.
7	that there's a figure kind of hunched in	7	THE WITNESS: I will say
8	front of the door?	8	based on the layout of the property
9	A. Yes.	9	where you see two mailboxes in front
10	Q. And does that appear to be somebody	10	of the property, like I explained
11	with a ram?	11	earlier, you assume that the
12	A. Yes.	12	property is going to have another
13	Q. Is that you?	13	door that you got to breach,
14	A. So that is me with the ram and it looks	14	actually, two other doors that you
15	like Brian Murray went up to the door first	15	got to breach.
16	so I don't know, I don't recall, he probably	16	So we've encountered
17	could have knocked with the halligan, I'm not	17	properties where you have to go
18	sure, but you could continue playing.	18	through that door and then there's a
19	Q. And you can clearly see that you're	19	little vestibule, you got to break
20	attempting to breach the door?	20	that door down and then you finally
21	A. Uh-huh.	21	get into the first floor apartment
22	Q. All right. And you didn't stop me at	22	and then another door at the top of
23	any point to say that you saw someone knock	23	the steps.
24	on the door, correct?	24	So I would say based on the
	on the door, correct.		501 would say based on the
	Page 70		Page 72
1	MR. ZURBRIGGEN: And	1	layout of the property and what we
2			
2	objection to form, but, Officer, you	2	saw on the reconnaissance and the
3	objection to form, but, Officer, you can answer again.	3	saw on the reconnaissance and the way the mailboxes were set up out
3	can answer again.	3	way the mailboxes were set up out
3 4	can answer again. THE WITNESS: I said Brian	3 4	way the mailboxes were set up out front, we, you know, did a quick one
3 4 5	can answer again. THE WITNESS: I said Brian Murray walked up so he could have	3 4 5	way the mailboxes were set up out front, we, you know, did a quick one and went in, based on what I'm
3 4 5 6	can answer again. THE WITNESS: I said Brian Murray walked up so he could have knocked a few seconds with the	3 4 5 6	way the mailboxes were set up out front, we, you know, did a quick one and went in, based on what I'm seeing here.
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18 (Pages 69 to 72)

	Page 73		Page 75
1	situation is different.	1	you doing that for some other reason?
2	Q. Sure. So what you're seeing on this	2	MR. ZURBRIGGEN: Object to
3	video is consistent with the training you	3	the form. Officer.
4	received from the Philadelphia Police	4	THE WITNESS: Yeah, the form
5	Department as far as to how you should do a	5	is so when you say training from
6	knock and announce, correct?	6	the Philadelphia Police Department,
7	MR. ZURBRIGGEN: Same set of	7	it's training from SWAT, like it's a
8	objections, but, Officer.	8	whole different like we don't get
9	THE WITNESS: I would say	9	breaching training in the academy,
10	it's like a reloaded question. It	10	like that comes when you go to SWAT
11	depends on the circumstances. I	11	and things like that. So when you
12	don't know. I don't know. This is	12	say the Philadelphia Police
13	like I don't know. Like this job	13	Department, I'm thinking in my head
14	is different from any other job.	14	like meaning the academy. No, not
15	Every other job is not the same. So	15	the academy. SWAT. That's where I
16	this job, like I said, we assumed	16	learned to breach and everything,
17	that, you know, we were going to	17	from SWAT.
18	encounter another door, but we	18	BY MR. WEST:
19	didn't, it was just an apartment.	19	Q. Is the SWAT unit part of the
20	BY MR. WEST:	20	Philadelphia Police Department?
21	Q. The way that you conducted yourself	21	A. Yes.
22	with regards to the warrant at the 4664	22	MR. ZURBRIGGEN: Object to
23	Torresdale Avenue property, was that	23	form.
24	consistent with the knock and announce rule	24	MR. WEST: I'm sorry, can
	Page 74		Page 76
			5
1	as you understood it from your training with	1	you read back the last question I
1 2	as you understood it from your training with the Philadelphia Police Department?	1 2	
			you read back the last question I
2	the Philadelphia Police Department?	2	you read back the last question I
2	the Philadelphia Police Department? MR. ZURBRIGGEN: Same set of	2	you read back the last question I asked, the second to last question.
2 3 4	the Philadelphia Police Department? MR. ZURBRIGGEN: Same set of objections. This was asked and	2 3 4	you read back the last question I asked, the second to last question (Whereupon, the reporter
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	Page 77		Page 79
1	answered again. Officer, again, you	1	Q. Okay.
2	can observe and answer when there's	2	MR. ZURBRIGGEN: And the
3	a question pending.	3	same objection for the record.
4	BY MR. WEST:	4	BY MR. WEST:
5	Q. So again, I'm going to start playing	5	Q. So tell me we'll go back to 02:10.0.
6	the video from the 2 minute and 10 second	6	All right. Playing at 02:10.0.
7	mark.	7	A. Okay. So Brian goes up to the door.
8	A. Stop.	8	Q. Tell me when to stop when you think he
9	Q. So we're stopped at 02:30.0.	9	knocks.
10	A. So that took 20 seconds? You said you	10	MR. ZURBRIGGEN: Object to
11	started it at what, 02:10.0?	11	the form.
12	Q. Okay. Well, you're clearly not	12	THE WITNESS: So he's up
13	beginning go breach the property at the	13	there.
14	02:30.0 mark, correct?	14	BY MR. WEST:
15	MR. ZURBRIGGEN: Objection	15	Q. So you think he's knocking at this
16	to form. Objection as asked and	16	point?
17	answered. Go ahead, Officer.	17	MR. ZURBRIGGEN: And
18	THE WITNESS: So I would go	18	objection for the record, but,
19	back to where you actually see my	19	Officer, if you can observe.
20	partner go up to the door and that's	20	THE WITNESS: Well, yeah,
21	where you can start the timer.	21	he's up there for a reason so I'm
22	BY MR. WEST:	22	assuming he's knocking.
23	Q. So Officer Murray walked up to the	23	BY MR. WEST:
24	property with a halligan tool, correct?	24	Q. Okay. And this is 02:16.0, right?
	Dama 70		
	Page 78		Page 80
1		1	
1 2	A. Uh-huh.	1 2	A. Uh-huh.
	A. Uh-huh. Q. So how do you use a halligan tool?		A. Uh-huh. Q. Push play. Pause. So now it's 02:23.0
2	A. Uh-huh.Q. So how do you use a halligan tool?A. We actually use it to knock on the door	2	A. Uh-huh. Q. Push play. Pause. So now it's 02:23.0 and you are ramming the door open, correct?
2	A. Uh-huh.Q. So how do you use a halligan tool?A. We actually use it to knock on the door or we can use it to pry a screen door off or	2	A. Uh-huh. Q. Push play. Pause. So now it's 02:23.0 and you are ramming the door open, correct? MR. ZURBRIGGEN: Same
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1	Page 81		Page 83
	the door, correct?	1	think the question I'm actually trying to get
2	MR. ZURBRIGGEN: I'm going	2	to has been answered, so let me lay a
3	to object to the form and as asked	3	foundation. What I'm trying to figure out is
4	and answered. Officer, you can	4	if what you did on that day was in violation
5	answer again, please.	5	of the policies and procedures of the
6	THE WITNESS: So like I	6	Philadelphia Police Department as you
7	said, every situation is different.	7	understood them or did you act in compliance
8	The way the property was laid out	8	with the policies and procedures of the
9	we assumed that, like I said, it was	9	Philadelphia Police Department?
10	going to be another door behind it.	10	So with that foundation laid, when you
11	Obviously, it wasn't another door.	11	rammed the front door of the 4664 Torresdale
12	Now, if we had information	12	Avenue property on June 4, 2021, seven
13	where, like earlier you said oh, he	13	seconds approximately after Officer Murray
14	lives in the back, in the rear, then	14	first knocked on the door, were you complying
15	it probably would be different	15	with the policies and procedures of the
16	because the way the property is laid	16	Philadelphia Police Department as you
17	out, it's like, all right, it's	17	understood them or were you defying those
18	going to be one door.	18	policies and procedures?
19	BY MR. WEST:	19	MR. ZURBRIGGEN: Object to the
20	Q. All right. Sir, if you can please just	20	form. Object as asked and
21	answer the question you're asked and I think	21	answered. Go ahead and answer.
22	you should be able to answer this question	22	THE WITNESS: I was
23	with a yes or no answer. Did the policies	23	complying. BY MR.
24	and procedures of the Philadelphia Police	24	WEST:
	Page 82		Page 84
1	Department tell you that you could ram this	1	Q. Was that based on the training that
2	door open seven seconds after Officer Murray	2	11 1 1 6.4
		1	you'd received as a member of the
3	first knocked on the door?	3	you'd received as a member of the Philadelphia Police Department?
3 4			
	first knocked on the door?	3	Philadelphia Police Department?
4	first knocked on the door? MR. ZURBRIGGEN: Object to	3 4	Philadelphia Police Department? MR. ZURBRIGGEN: Same set of
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	first knocked on the door? MR. ZURBRIGGEN: Object to form. Object to asked and answered. Go ahead, Officer. THE WITNESS: I would say the way that you're asking the question no. It's a reasonable amount of time. BY MR. WEST: Q. Is seven seconds a reasonable amount of time? MR. ZURBRIGGEN: Same objections. THE WITNESS: Well, depending on what the supervisor felt and the layout of the property that we assumed was going to happen, that was a reasonable amount of time. BY MR. WEST:	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Philadelphia Police Department? MR. ZURBRIGGEN: Same set of objections. Officer. THE WITNESS: Yes. BY MR. WEST: Q. Was that consistent with the training that you had received as a member of the Philadelphia SWAT unit? MR. ZURBRIGGEN: Same set of objections. Officer. THE WITNESS: Yes. BY MR. WEST: Q. Was that consistent with the experience that you personally had as to how a SWAT unit of the Philadelphia Police Department regularly conducted warrant enforcement actions? MR. ZURBRIGGEN: Same set of objections. THE WITNESS: Like I said,

21 (Pages 81 to 84)

	Page 85		Page 87
1	is handled.	1	it's probably going to say Apartment 1 and
2	BY MR. WEST:	2	Apartment 2, they're going to go through the
3	Q. Are you aware of any other member of	3	front door and go up some steps or go to the
4	the SWAT unit who was with you that day who	4	right, whatever the case may be, whatever the
5	suggested that anything had been done that	5	case may be. A reasonable person that sees
6	was in any way inconsistent with the standard	6	two mailboxes like I'm pretty sure the
7	practice in the Philadelphia Police	7	mailman is not walking to the back of the
8	Department?	8	property, he's putting the mail in the front
9	MR. ZURBRIGGEN: Object to	9	mailbox.
10	the form of the question. Officer,	10	Q. Don't you think it would have been
11	if you know.	11	reasonable to call the property manager?
12	THE WITNESS: No, I don't	12	MR. ZURBRIGGEN: Object.
13	know.	13	Officer, you can answer if you can.
14	BY MR. WEST:	14	THE WITNESS: No. No.
15	Q. Was there anything that happened in	15	BY MR. WEST:
16	relation to the warrant enforcement operation	16	Q. Don't you think it would have been
17	at 4664 Torresdale Avenue that was in any way	17	reasonable to have asked the probation
18	irregular or inconsistent with the normal	18	officer for the inspection records?
19	practices of the Philadelphia SWAT unit in	19	MR. ZURBRIGGEN: Object to
20	your experience?	20	the form. Officer.
21	MR. ZURBRIGGEN: Same set of	21	THE WITNESS: Yes. But like
22	objections. Officer.	22	I said, that's not my that all
23	THE WITNESS: No.	23	falls back on the supervisor.
24	BY MR. WEST:	24	BY MR. WEST:
	Page 86		Page 88
1	Q. Given that you knew that the 4664	1	Q. Did you review the property records
2	Torresdale Avenue property had a front door	2	available to the City of Philadelphia for the
3	and a rear door and had multiple apartments	3	property?
4	in it and that your warrant was only for the	4	A. No.
5	rear apartment, didn't it show reckless	5	MR. ZURBRIGGEN: Object to
6	disregard for the residents of the apartments	6	the form.
7	in that building that you did not investigate	7	BY MR. WEST:
8	whether or not the proper entrance point was	8	Q. Are you even aware if the City of
9	through the front door or the rear door?	9	Philadelphia has a publically available
10	MR. ZURBRIGGEN: Object to	10	website where you can see all of these
11	the form, object to the	11	property records?
12	characterization, and object as	12	A. Yes.
13	asked and answered. Go ahead,	13	MR. ZURBRIGGEN: Object to
14	Officer.	14	the form of the question with the
1 -		1	
15 16	THE WITNESS: No.	15	property records.
16	THE WITNESS: No. BY MR. WEST:	16	BY MR. WEST:
16 17	THE WITNESS: No. BY MR. WEST: Q. Why not?	16 17	BY MR. WEST: Q. You know that that website exists,
16 17 18	THE WITNESS: No. BY MR. WEST: Q. Why not? A. Because like I said, there's two	16 17 18	BY MR. WEST: Q. You know that that website exists, correct?
16 17 18 19	THE WITNESS: No. BY MR. WEST: Q. Why not? A. Because like I said, there's two mailboxes on the front of the property. Who	16 17 18 19	BY MR. WEST: Q. You know that that website exists, correct? A. Yes. But like I said, that falls back
16 17 18 19 20	THE WITNESS: No. BY MR. WEST: Q. Why not? A. Because like I said, there's two mailboxes on the front of the property. Who gets their mail from the front of the	16 17 18 19 20	BY MR. WEST: Q. You know that that website exists, correct? A. Yes. But like I said, that falls back on the supervisor.
16 17 18 19 20 21	THE WITNESS: No. BY MR. WEST: Q. Why not? A. Because like I said, there's two mailboxes on the front of the property. Who gets their mail from the front of the property and has to walk all the way back to	16 17 18 19 20 21	BY MR. WEST: Q. You know that that website exists, correct? A. Yes. But like I said, that falls back on the supervisor. MR. ZURBRIGGEN: Same
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16 17 18 19 20 21 22 23	THE WITNESS: No. BY MR. WEST: Q. Why not? A. Because like I said, there's two mailboxes on the front of the property. Who gets their mail from the front of the property and has to walk all the way back to the rear of the property, like, I mean, that doesn't make sense. So a reasonable person	16 17 18 19 20 21 22 23	BY MR. WEST: Q. You know that that website exists, correct? A. Yes. But like I said, that falls back on the supervisor. MR. ZURBRIGGEN: Same objection. BY MR. WEST:
16 17 18 19 20 21	THE WITNESS: No. BY MR. WEST: Q. Why not? A. Because like I said, there's two mailboxes on the front of the property. Who gets their mail from the front of the property and has to walk all the way back to the rear of the property, like, I mean, that	16 17 18 19 20 21 22	BY MR. WEST: Q. You know that that website exists, correct? A. Yes. But like I said, that falls back on the supervisor. MR. ZURBRIGGEN: Same objection.

22 (Pages 85 to 88)

	Page 89		Page 91
1	you ever view the City of Philadelphia	1	BY MR. WEST:
2	property records website?	2	Q. Is there any reason why you don't use
3	A. Yes. The supervisor would.	3	this information as part of your
4	Q. But as part of the reconnaissance that	4	reconnaissance when you were in the SWAT
5	you would do, would you review those records?	5	unit?
6	A. No. Unless it was brought up by a	6	MR. ZURBRIGGEN: Object to
7	supervisor saying, hey, there's something	7	the form. Officer.
8	fishy with this property, then we would.	8	THE WITNESS: We do use it.
9	Q. Again, I have a document, this also was	9	But in prime example, let's say for
10	premarked as Scott Exhibit-4. Please look at	10	instance, if Google Maps isn't
11	that and let me know if you can identify what	11	updated and it says, let's say, for
12	this is?	12	instance, this address is a vacant
13	A. That's who owns the property.	13	lot, our supervisor will go to the
14	Q. Are you assuming that that's what that	14	City of Philadelphia property thing
15	is just based on reading the words and	15	and say okay, this is a property
16	putting in context or do you actually	16	here and then we'll go out and sure
17	recognize what this is?	17	enough they'll be a property there.
18	A. Yes. It's the City of Philadelphia	18	BY MR. WEST:
19	property who owns the property.	19	Q. Let's use Scott-6. Let me know if you
20	Q. Okay. So you're aware of the existence	20	recognize what this is a photograph of?
21	of this website, correct?	21	A. Yep. The front of the property.
22	MR. ZURBRIGGEN: Object to	22	Q. This is the front of the 4664
23	the form. Officer.	23	Torresdale Avenue property, correct?
24	THE WITNESS: Yes.	24	A. Uh-huh.
	D 00		
	Page 90		Page 92
1		1	
1 2	BY MR. WEST:	1 2	Q. And on the front of the building
	BY MR. WEST: Q. Where did you learn about the existence		Q. And on the front of the building there's a window, right?
2	BY MR. WEST: Q. Where did you learn about the existence of this website?	2	Q. And on the front of the building there's a window, right? A. Uh-huh.
2	BY MR. WEST: Q. Where did you learn about the existence of this website? MR. ZURBRIGGEN: Same	2	Q. And on the front of the building there's a window, right?A. Uh-huh.Q. Was the area behind that window
2 3 4	BY MR. WEST: Q. Where did you learn about the existence of this website? MR. ZURBRIGGEN: Same objection. Officer.	2 3 4	Q. And on the front of the building there's a window, right? A. Uh-huh. Q. Was the area behind that window occupied?
2 3 4 5	BY MR. WEST: Q. Where did you learn about the existence of this website? MR. ZURBRIGGEN: Same objection. Officer. THE WITNESS: I learned	2 3 4 5	Q. And on the front of the building there's a window, right? A. Uh-huh. Q. Was the area behind that window occupied? MR. ZURBRIGGEN: Object to
2 3 4 5	BY MR. WEST: Q. Where did you learn about the existence of this website? MR. ZURBRIGGEN: Same objection. Officer. THE WITNESS: I learned about it I mean, it's common	2 3 4 5	Q. And on the front of the building there's a window, right? A. Uh-huh. Q. Was the area behind that window occupied? MR. ZURBRIGGEN: Object to the form. Officer, if you
2 3 4 5 6 7	BY MR. WEST: Q. Where did you learn about the existence of this website? MR. ZURBRIGGEN: Same objection. Officer. THE WITNESS: I learned about it I mean, it's common knowledge I guess. Is that the	2 3 4 5 6 7	Q. And on the front of the building there's a window, right? A. Uh-huh. Q. Was the area behind that window occupied? MR. ZURBRIGGEN: Object to the form. Officer, if you understand.
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23 (Pages 89 to 92)

apartments that we went in it wouldn't be set up like that. And also, if that second mailbox wasn't up there, that would have made it a game changer because all right, there's only one mailbox, so where is the other mailbox.
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 game changer because all right, there's only one mailbox, so where
6 there's only one mailbox, so where
is the other mandox.
8 BY MR. WEST:
⁹ Q. Under your understanding of the United
States Constitution let me lay a
foundation. Do you have to have some
understanding of the United States
Constitution in order to be a Philadelphia
police officer in your experience?
MR. ZURBRIGGEN: Object to
the form. Officer, you can answer
if you can.
¹⁸ THE WITNESS: I guess very
basic, yes.
²⁰ BY MR. WEST:
Q. Okay. So under your understanding of
the United States Constitution, would the
warrant that was issued to enter
residence, were you legally allowed to
Page 96
 enter Ms. Alvarado's first floor apartment? MR. ZURBRIGGEN: Object to
the form of the question. Officer,
4 you can answer.
5 THE WITNESS: No. The
6 warrant wasn't for the first floor,
7 it was for the second floor.
8 BY MR. WEST:
9 Q. Okay. Did you use any precautions in
connection with the 4664 Torresdale Avenue
enforcement action in order to ensure that
you did not enter Ms. Alvarado's apartment?
13 MR. ZURBRIGGEN: Object to
the form of the question. Officer,
if you understand, you can answer.
16 THE WITNESS: Can you repeat
the question?
18 BY MR. WEST:
Q. Did you use any precautions in
connection with the 4664 Torresdale Avenue
warrant enforcement action in order to ensure
that you did not illegally enter Ms.
1 / 4 A levama dala 111
 Alvarado's apartment? MR. ZURBRIGGEN: Same

24 (Pages 93 to 96)

	Page 97		Page 99
1	objection. Officer, you can answer.	1	BY MR. WEST:
2	THE WITNESS: I would say	2	Q. Okay. Have you ever heard of the
3	yeah when we went out there and	3	Philadelphia Police Department having any
4	reconned it. We went out there and	4	sort of standard operating procedure for dog
5	looked at the property, made sure	5	encounters?
6	like the two mailboxes were like	6	MR. ZURBRIGGEN: Object to
7	the biggest thing because you would	7	the form, but, Officer, if you know.
8	think that it will be a first floor	8	THE WITNESS: No.
9	and a second floor and we would have	9	BY MR. WEST:
10	to go through the first floor to get	10	Q. Did you ever receive any guidance or
11	to go through the first floor to get to the second floor.	11	training as a member of the SWAT unit with
12	BY MR. WEST:	12	regards to dog encounters?
13	Q. Were there any other precautions that	13	MR. ZURBRIGGEN: Same
14	you used in order to avoid entering Ms.	14	objection. Officer.
15	Alvarado's apartment?	15	THE WITNESS: No.
16	MR. ZURBRIGGEN: Same	16	BY MR. WEST:
17	objection. Officer.	17	Q. Were any tools made available to you or
18	THE WITNESS: I would say	18	any of the other members of the SWAT unit for
19	just the reconnaissance.	19	the dog encounter that would prevent a lethal
20	BY MR. WEST:	20	encounter?
21	Q. Why weren't you wearing a body cam?	21	MR. ZURBRIGGEN: Object to
22	MR. ZURBRIGGEN: Object to	22	the form. Officer, if you
23	the form. Officer, if you know.	23	understand, you can answer.
24	THE WITNESS: SWATs not	24	THE WITNESS: Were any
	TIE WIITESS SWIII INC		
	Page 98		Page 100
			rage 100
1	issued body cams.	1	tools?
1 2		1 2	
	issued body cams.		tools?
2	issued body cams. BY MR. WEST:	2	tools? BY MR. WEST:
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1	characterization, but, Officer, go	1	the door led to an apartment?
2	ahead.	2	MR. ZURBRIGGEN: Same set of
3	THE WITNESS: I'm going to	3	objections.
4	say no. I mean, we're already	4	THE WITNESS: No. Like
5	stacked up on the door and ready to	5	no.
6	go in, we're not going to stop and	6	BY MR. WEST:
7	say we can't stop, this dude is	7	Q. Really?
8	wanted for what, I believe it was	8	A. Yes.
9	murder, right?	9	MR. ZURBRIGGEN: Same set of
10	BY MR. WEST:	10	objections.
11	Q. But none of the dog encounter tools	11	MR. WEST: I have no further
12	were used for this operation, correct?	12	question.
13	MR. ZURBRIGGEN: Same	13	MR. ZURBRIGGEN: And I have
14	objection. Officer, if you know.	14	none, but I will designate on the
15	THE WITNESS: I mean	15	record that please, for purses of
16	BY MR. WEST:	16	, the name of the
17	Q. It is correct, isn't it?	17	homicide suspect, we designate those
18	MR. ZURBRIGGEN: Same	18	portions of the record as
19	objection.	19	confidential.
20	THE WITNESS: I mean, you	20	MR. WEST: Thank you.
21	could use your gun, too. I mean,	21	THE VIDEOGRAPHER: 1:34. We
22	SO	22	are going off the record.
23	BY MR. WEST:	23	
24	Q. Okay. So you can hear the dog barking	24	(Whereupon, the videographer
	Page 102		Page 104
1	on the first floor, right?	1	went off the video record.)
2	A. Uh-huh.	2	went on the video record.)
3	Q. Didn't that lead you to understand that	3	(Wharaupon the denosition
4	the first floor apartment was occupied?	4	(Whereupon, the deposition concluded at 1:34 p.m.
5	MR. ZURBRIGGEN: Object to	5	concluded at 1.34 p.m.
6	the form. Object as asked and	6	
7	answered. Officer, go ahead and	7	
8	answer again.	8	
9	THE WITNESS: No. Just	9	
10	because you hear a dog barking, I've	10	
11	been in houses where a dog is	11	
12	barking and there's nobody home.	12	
13	BY MR. WEST:	13	
14		14	
	Q. Occupied as far as it was a place where		
	noonla lived right?		
15	people lived, right?	15 16	
15 16	MR. ZURBRIGGEN: Same set of	16	
15 16 17	MR. ZURBRIGGEN: Same set of objections. Officer, you can answer	16 17	
15 16 17 18	MR. ZURBRIGGEN: Same set of objections. Officer, you can answer again.	16 17 18	
15 16 17 18 19	MR. ZURBRIGGEN: Same set of objections. Officer, you can answer again. THE WITNESS: I guess, yes.	16 17 18 19	
15 16 17 18 19 20	MR. ZURBRIGGEN: Same set of objections. Officer, you can answer again. THE WITNESS: I guess, yes. BY MR. WEST:	16 17 18 19 20	
15 16 17 18 19 20 21	MR. ZURBRIGGEN: Same set of objections. Officer, you can answer again. THE WITNESS: I guess, yes. BY MR. WEST: Q. Okay. And the dog was on the other	16 17 18 19 20 21	
15 16 17 18 19 20 21 22	MR. ZURBRIGGEN: Same set of objections. Officer, you can answer again. THE WITNESS: I guess, yes. BY MR. WEST: Q. Okay. And the dog was on the other side of the door, right?	16 17 18 19 20 21 22	
15 16 17 18 19 20 21 22 23	MR. ZURBRIGGEN: Same set of objections. Officer, you can answer again. THE WITNESS: I guess, yes. BY MR. WEST: Q. Okay. And the dog was on the other side of the door, right? A. Uh-huh.	16 17 18 19 20 21 22 23	
15 16 17 18 19 20 21 22	MR. ZURBRIGGEN: Same set of objections. Officer, you can answer again. THE WITNESS: I guess, yes. BY MR. WEST: Q. Okay. And the dog was on the other side of the door, right?	16 17 18 19 20 21 22	

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Page 105 CERTIFICATE Li hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me in the foregoing matter, and that this is a correct transcript of the same. Court Reporter - Notary Public Court Reporter - Notary Public The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)	21 22 23 24	

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EXHIBIT "K"

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INVESTIGATION INTERVIEW RECORD	PHILADELPHIA POLICE DEPARTMENT OISI PS# 21-05		CASE NUM	21-05	
	UISI PS	5¥ Z1-U5	Lt. Hendershot #148		#148
NAME: Officer Brian Murray #6068, PR#	AGE:	RACE:	SEX: MALE	DOB:	
ADDRESS: SWAT HO	APARTMENT #:	HOME TE	LEPHONE#	OTHER C	ONTACT#
NAME OF EMPLOYMENT / SCHOOL: Philadelphia Police Department			Commission of the Commission o	SOCIAL	SECURITY #
ADDRESS OF EMPLOYMENT / SCHOOL:	L 4 - 0.2 0.00 (Mark 198 Mark 198 M	DEPART	MENT:	WORK T	ELEPHONE#
DATES OF PLANNED VACATIONS:	NOW AND THE RESIDENCE OF THE PARTY OF THE PA	The first stand in 187 (1971) I want to be a second of the	- (1000)		
DATES OF PLANNED BUSINESS TRIPS:	er administrative i video de propositio anno meno e e administrativo de la colonida del colonida de la colonida del colonida de la colonida del colonida de la colonida del colonida de la colonida de la colonida de la colonida de la colonida del colon	ent entermine a entermine en entermine (entermine entermine). En entermine	 	***************************************	**************************************
NAME OF CLOSE RELATIVE OR ALTERNATI	E CONTACT PERS	ON:	***************************************	RELATIO	NSHIP:
ADDRESS:	THE STATE OF THE S			TELEPHO	NE#
PLACE OF INTERVIEW: POSI Unit Hqs, 2301 South 24th Street BROUGHT IN BY:				DATE: 6/4/21 DATE:	TIME: 8:45 AM TIME:
SELF WE ARE QUESTIONING YOU CONCERNING:					
The Officer Involved Shooting Incident at 468		nue on 6-04-2021			ng managan pakan managan sa
WARNINGS GIVEN BY:				DATE:	TIME:
ANSWERS: (2) (3)	(4)	(5)	(6)	(7)	a - Andrewson on the control
(2)		(a)	(6)	\/]	

Police Officer Murray, I am Lieutenant Hendershot #148, with the Officer-Involved Shooting Investigation (OISI) Unit. I will be interviewing you in reference to your involvement during the Officer Involved Shooting incident that took place on 6-04-2021, at 4664 Torresdale Avenue.

- Q. What was your assignment and tour of duty on 6-04-2021?
- A. I was 11PM to 7AM and I was assigned to S123.
- Q. What was your assignment in regards to for today?
- A. My tour of duty I was assigned to S112 and for the warrant service, I was assigned to S123.
- Q. What was your responsibility for the warrant service?
- A. I was assigned as the breacher/hospital car.
- Q. Was you assignment in a marked unit and in full uniform?
- A. Yes, in full SWAT gear.
- Q. During your tour, did you respond to the area of 4664 Torresdale Avenue to serve a warrant?
- A. Correct.

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INVESTIGATION INTERVIEW RECORD	CITY OF PHILADE	LPHIA
CONTINUATION SHEET	POLICE DEPAR	TMENT
NAME:	PAGE#	CASE#
Officer Brian Murray #6068, PR#	2	21-05

- O. What was the warrant in reference to?
- A. We were serving an arrest/search warrant for a homicide at that location.
- Q. Did the warrant specify that there was a dog in the property?
- A. It did not and there were no signs that there was a dog in the residence prior to our arrival.
- Q. Can you tell me everything you know about the incident?
- A. I was the breacher, using the Halligan tool. I was with Officer Eric Clark #4453, who was using the ram. Officer Clark conducted the knock and announce during which time a dog was heard barking. After the breach, I entered the property. I observed a brown Pit-bull dog that was aggressively barking and lunging towards Officer Song. The dog continued to bark and aggressively approaching Officer Song. I observed Officer Song discharge his weapon one time, dispatching the dog. At that point, I continued to secure the front room. Once the team realized there was no entrance to the second floor from the first floor, they proceeded to the rear. I heard over SWAT band that there was a male coming out of the rear door. I remained in the first floor with a female and secured the scene until a patrol officer relieved me.
- Q. Can you elaborate on the dog's aggressive actions?
- A. He was showing his teeth, growling, was a very short distance from Officer Song, and was not backing down. I also had my weapon fixed on the dog but Officer Song had discharged already.
- Q. Did the female say anything to you?
- A. She was upset that her dog had been shot. She was wearing a towel around her body and asked that she be allowed to get dressed, which she did in her bathroom I believe.
- Q. Did you hear the female saying anything at the time you were knocking and announcing?
- A. No. just the dog.
- Q. Where in the property did this discharge occur?
- A. Front room, which was the living room.
- Q. Did you apprehend the suspect wanted on the warrant?
- A. No.
- Q. Was there anyone else in the property at the time of the warrant service?
- A. I only made it to the first floor and the female was the only one home.

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INVESTIGATION INTERVIEW RECORD	CITY OF PHILADELPHIA	
CONTINUATION SHEET	POLICE DEPARTMENT	
NAME:	PAGE# CASE#	
Officer Brian Murray #6068, PR#	3 21-05	

- Q. Is there a way to get upstairs from the first floor?
- A. We discovered that there was not.
- Q. Did the warrant specify whether the location of 4664 Torresdale Avenue was for the first or second floor?
- A. It was for the second floor.
- Q. Were you aware that the front door was for the first floor?
- A. No. There were two mailboxes; I believe labeled one and two on the front door, which led us to believe that the front door led to both floors inside the property.
- Q. Can you describe the property at 4664 Torresdale Ave?
- A. Two story row home, with a tan first floor, white Magna Seal door.
- Q. Did you speak with Officer Song about the discharge?
- A. No, but I did overhear him saying that he was bit by the dog, so I understood why he discharged. In addition to the dog's actions/behavior.
- Q. Did you observe any physical evidence at the scene?
- A. I saw the FCC and dead dog.
- Q. Did you prepare any paperwork in reference to this incident?
- A. No.
- Q. Were you wearing a Body Worn Camera (BWC)?
- A. No.
- Q. Were you injured during this incident?
- A. No.
- Q. Do you have any additional information that we have not covered?
- A. No.

Plople Modes

EXHIBIT "L"

	PHILADELPHIA		CASE NUMBER:			
INVESTIGATION INTERVIEW RECORD	POLICE DEPARTMENT		21-5			
	Officer Invol	Officer Involved Shooting		INTERVIEWER:		
	Investiga		Market Committee	Detectiv	ve Brian Nev	well #662
		21-5				
NAME:	AGE:	RAC	F.	SEX:	DOB:	
Officer Eric Clark #4453, PR 3B	AGE.	INAC		MALE	000.	
ADDRESS:	APARTMENT #:	·	HOME TEL	EPHONE#	OTHER C	ONTACT#
SWAT	74 74 74 74		110		215-685-9	[1] [1] [1] [1] [1] [1] [1] [1] [1] [1]
NAME OF EMPLOYMENT / SCHOOL:			L			ECURITY #
ADDRESS OF EMPLOYMENT / SCHOOL:			DEPARTM	ENT:	WORK TE	LEPHONE#
DATES OF PLANNED VACATIONS:					1	
DATES OF PLANNED BUSINESS TRIPS:						
NAME OF CLOSE RELATIVE OR ALTERNAT	E CONTACT PERS	ON:			RELATIO	NSHIP:
ADDRESS:						NE#
PLACE OF INTERVIEW:				DATE:	TIME:	
O.I.S.I.				6/4/21	9:06AM	
BROUGHT IN BY:				DATE:	TIME:	
Self						
WE ARE QUESTIONING YOU CONCERNING:						
Officer Involved Shooting at 4664 Torresdale	Avenue (Dog)		***			-
WARNINGS GIVEN BY:					DATE:	TIME:
			***************************************		L	1
ANSWERS:	20 Marie 1920 1920				<i>(</i> -1)	
(1) (2) (3)	(4)		(5)	(6)	(7)	

I am Detective Brian Newell #662, with the Officer-Involved Shooting Investigation (OISI) Unit. I will be interviewing you in reference to your involvement during the Officer Involved Shooting that took place on 6/4/21 inside 4664 Torresdale Avenue.

Q. Officer, what was your assignment and tour of duty on 6/4/21?

A. I was assigned to Sam112, working 11Pm to 7:15Am.

Q. During your tour, did you respond to the area 4664 Torresdale Avenue? A. Yes.

Q. What was the nature of the assignment that prompted you to respond to that location?

A. We were requested by Homicide Division to execute a Search/Arrest Warrant for B/M, PPN # Search Warrant #24513 and Arrest Warrant #28312021.



Q. What was your responsibilities pertaining to responding to 4664 Torresdale Avenue? A. I was assigned to breach the front door.

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INVESTIGATION INTERVIEW RECORD	CITY OF PHILADE	LPHIA
CONTINUATION SHEET	POLICE DEPAR	TMENT
NAME:	PAGE#	CASE#
Officer Eric Clark #4453, PR 38	2	21-5

Q. Upon your arrival at 4664 Toressdale Avenue, what did you see and do?

A. Upon arrival, I got the go ahead to "knock and announce" from Lt Monk. A dog was barking as I announced and yelled "Dog" as I breached the front door. I moved to the side allowing the entry teams to enter. When I entered, I began searching the couches looking for weapons. I heard and saw a dog barking at Officer Long, I continued to search the couches and heard a single gunshot.

Q. Describe the gunshot you heard.

A. It was a rifle shot.

Q. After hearing the shot, what did you do?

A. Looked and continued to search the couches.

Q. Was the target of the warrant located inside of 4664 Torresdale Avenue?

A. No.

Q. Describe 4664 Torresdale Avenue.

A. It was a stucco, two story row home with two mailboxes indicating land 2.

Q. What direction does the front of 4664 Torresdale Avenue face?

A. South.

Q. Was anyone located inside of the property?

A. A Spanish female was located inside of the property. I saw her briefly.

Q. Did you speak with Officer Long as to what caused him to discharge his firearm?

A. No.

Q. Did you observe the dog after it was shot by Officer Long?

A. Yes, it was dead in the living room.

Q. Was Officer Long injured?

A. I don't know.

Q. Was the female that was encountered identified?

A. Not by me.

Q. Did you prepare any paperwork regarding this incident?

A. No.

Q. Is there anything else that you would like to add to your statement that I did not cover? A. No.

-- --- ----

EXHIBIT "M"

INVESTIGATION INTERVIEW RECORD	PHILADELPHIA		CASE NUM	/IBER: 21-5	
INVESTIGATION INTERVIEW RECORD		POLICE DEPARTMENT Officer Involved Shooting		INTERVIEWER:	
	Investig	ation Unit	Detecti	Detective Brian Newell #662	
3.		‡ 21-5			
NAME:	AGE:	RACE:	SEX:	DOB:	
Lieutenant Demetrius Monk #279, PR 3B		3€	MALE		
ADDRESS: SWAT	APARTMENT #:	HOME	TELEPHONE#	OTHER C 215-685-9	ONTACT#
NAME OF EMPLOYMENT / SCHOOL:					ECURITY#
NAME OF EMPLOYMENT / SOFTOOL.				JOUINE	LOOKITT#
ADDRESS OF EMPLOYMENT / SCHOOL:		DEPAR	RTMENT:	WORK TELEPHONE#	
DATES OF PLANNED VACATIONS:					
DATES OF PLANNED BUSINESS TRIPS:					
NAME OF CLOSE RELATIVE OR ALTERNAT	E CONTACT PERS	ON:		RELATIONSHIP:	
ADDRESS:			7,000	TELEPHONE#	
PLACE OF INTERVIEW:	THE PARTY OF THE P	2427, 000000 mmoodus m		DATE:	TIME:
O.I.S.I.				6/4/21	8:20AM
BROUGHT IN BY:				DATE:	TIME:
Self WE ARE QUESTIONING YOU CONCERNING:				<u> </u>	
Officer Involved Shooting at 4664 Torresdale					
WARNINGS GIVEN BY:				DATE:	TIME:
ANSWERS:		(2.24)		V	
(1) (2) (3)	(4)	(5)	(6)	(7)	

I am Detective Brian Newell #662, with the Officer-Involved Shooting Investigation (OISI) Unit. I will be interviewing you in reference to your involvement during the Officer Involved Shooting that took place on 6/4/21 inside 4664 Torresdale Avenue.

Q. Lieutenant, what was your assignment and tour of duty on 6/4/21?

A. I was assigned to Sam 3X, working 11P to 7:15am.

Q. During your tour, did you respond to the area 4664 Torresdale Avenue?

A. Yes.

Q. What was the nature of the assignment that prompted you to respond to that location?

A. We were requested by Homicide Division to execute a Search/Arrest Warrant for B/M, PPN # Search Warrant #24513 and Arrest Warrant #28312021.



Q. Do you know the name of the officer who discharged?

A. Yes, Officer Edward Song #3936.

Q. Where is Officer Song assigned?

A. SWAT.

The inches Merck 20000043

INVESTIGATION INTERVIEW RECORD	CITY OF PHILADE	LPHIA
CONTINUATION SHEET	POLICE DEPAR	TMENT
NAME:	PAGE#	CASE#
Lieutenant Demetrius Monk #279, PR	2	21-5

Q. What was Officer Song responsibilities pertaining to him responding to 4664 Torresdale Avenue?

A. He was assigned to Sam 101. Officer Song was part of the front entry team. The entry team comprised of Officer Hamoy #2984, myself, Officer Saba #9823, Officer Burkett #2091, Sergeant Melody #285, Officer Murray #6068 and Officer Clark #4453.

Q. Upon your arrival at 4664 Toressdale Avenue, what did you see and do?

A. Upon arrival, Officer Clark approached the door, knocked and announced "Police, with a warrant, open the door". At that point, I could hear a dog barking and I gave the order to breach. Upon entry, we were met by a light brown colored pit-bull mix in the living room area. The dog immediately went after Officer Song biting his lower right leg. I continued past Officer Song where I encountered a white female in the kitchen area. She was on the floor behind a fence that separated the living from the kitchen. I proceeded past her and cleared the property. Once I encountered the female, I heard a single shot from behind me.

Q. Describe the gunshot you heard.

A. It was a rifle shot.

Q. Please continue.

A. I cleared the remaining part of the property. There was a bathroom to the left of the kitchen and a bedroom past the kitchen.

Q. Was the target of the warrant located inside of 4664 Torresdale Avenue?

A. No.

Q. Describe 4664 Torresdale Avenue.

A. It was a two story row home with two mailboxes on the front. One for the 1st floor and one for the 2nd floor. There was no access to the second floor apartment from inside of the first floor. The warrant was for the second floor. We had no information on how to access the 2nd floor then through the main door.

Q. What direction does the front of 4664 Torresdale Avenue face?

A. South.

Q. Upon entry, was the interior of the property lit or dark?

A. I don't remember any lights on upon entry. There was light on just outside of the bathroom.

Q. Who was assigned to rear containment?

A. Officers Quintana #2721 and Rivera #6797.

XI Temper ! il low poopoge

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INVESTIGATION INTERVIEW RECORD	CITY OF PHILADE	LPHIA	
CONTINUATION SHEET	POLICE DEPARTMENT		
NAME:	PAGE#	CASE#	
Lieutenant Demetrius Monk #279, PR	3	21-5	

Q. Did you speak with Officer Song as to what caused him to discharge his firearm?

A. No. H just offered the information. He told me that after the dog bit him, it regrouped itself and appeared that it was going to jump at him and he took the shot killing the dog.

Q. Did you observe the dog after it was shot by Officer Song?

A. Yes, it was in the living room.

Q. Was Officer Song injured from the dog bite?

A. No. I checked his leg, there were red marks but didn't penetrate his skin.

Q. Was the female that was encountered inside of the kitchen identified?

A. No, not by me.

Q. Did you prepare any paperwork regarding this incident?

A. No.

Q. Is there anything else that you would like to add to your statement that I did not cover? A. No.

Lt Lenuleus Wlond 279

EXHIBIT "N"

Transcript of the Testimony of: **Demetrius Monk**

Date: May 19, 2023

Case: Alvarado v. City of Philadelphia, et al

Diamond Court Reporting Phone:856-589-1107

Fax:856-589-4741

Email:dcr.diamond@comcast.net

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IN THE COURT OF COMMON PLEAS	1 INDEX
PHILADELPHIA COUNTY, PENNSYLVANIA	2 WITNESS PAGE
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: 2022	8 EXHIBITS
vs. : : No. 01633	NO. DESCRIPTION PAGE
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	12 IVIOIIK-2 Search Walfant 29
Mov. 10, 2022	Monk-3 Photo 64
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Videotaped Deposition of DEMETRIUS MONK, taken at	Monk-4 Dog Encounter Directive 100
VICTIMS' RECOVERY LAW CENTER, The North American	14
Building, 121 South Broad Street, 18th Floor,	15
Philadelphia, PA, on the above date, beginning at	16
approximately 11:00 a.m., before Dawn M. Burr, a	17
Professional Court Reporter and Notary Public,	18
there being present.	19
	20
DIAMOND COURT REPORTING	21 22
406 Redbud Lane	22 23
Mantua, New Jersey 08051	24
(856) 589-1107	
Page 2	Page 4
1	1
APPEARANCES:	2 (It was stipulated by and between
VICTIMS' RECOVERY LAW CENTER	counsel that signing, sealing,
BY: KEITH THOMAS WEST, ESQUIRE	certification and filing be waived; and
The North American Building	
4 121 South Broad Street, 18th Floor	5 that all objections, except as to the
Philadelphia, PA 19107 Counsel for the Plaintiff	form of the question, be reserved until
Tel. 215-546-1433	7 the time of trial.)
6 E-mail: keith@victimrecoverylaw.com	8
*****	9 MR. WEST: By usual stipulations we
CITY OF PHILADELPHIA - LAW	1
8 DEPARTMENT	mean we can reserve an objections outer
BY: ADAM R. ZURBRIGGEN, ESQUIRE	than as to the form of questions until
9 One Parkway Building	the time of trial.
1515 Arch Street Philadelphia, PA 19102	VIDEOGRAPHER: This is the audio
Counsel for the Defendants	video deposition for use at trial in
¹¹ Tel. 215-683-5114	the matter of Alvarado v. City of
E-mail: adam.zurbriggen@phila.gov	,
13	i madelpina, et al, es namet 22 et ee,
14	and I am the video operator. My name is
VIDEOGRAPHER: SAMANTHA DIBONA	Samantha DiBona and I'm employed by
16 17	Victims' Recovery Law Center. My
17	address is 121 South Broad Street, 18th
19	Floor, Philadelphia, Pennsylvania 19107.
20	
21 22	10day 5 date 15 17tay 15ta, 2025 da
23	11:02 a.m. This deposition is being
24	performed in person. The caption in

1 (Pages 1 to 4)

	Page 5		Page 7
1	this case is Alvarado v. City of	1	truthfully today?
2	Philadelphia, et al, GD number 22-3763.	2	A. No.
3	The witness being deposed today is	3	Q. As I'm sure your attorney has
4	Demetrius Monk. This deposition is	4	advised you, your only obligation today is to give
5	being taken on behalf of the Plaintiff,	5	truthful testimony based on personal knowledge, to
6	Felishatay Alvarado. The officer taking	6	the best of your ability. So to be clear, I'm not
7	this deposition is Dawn Burr and she	7	gonna ask for you to guess or speculate at any
8	shall swear in the witness at this time.	8	time. Okay?
9		9	A. Yes.
10	DEMETRIUS MONK, having been	10	Q. If you don't know the answer to a
11	duly sworn as a witness, was examined	11	question, that's perfectly fine. If that's the
12	and testified as follows	12	truth, we just need to know what you do and don't
13	and testified as follows	13	know. Okay?
14	EXAMINATION	14	A. Yes.
15	EAAWIINATION	15	Q. On the other hand, we would like to
16	DV MD WEST.	16	
17	BY MR. WEST:	17	know everything you know. So if you believe that
18	Q. Good morning, Lieutenant Monk. We	18	you have partial knowledge, are able to give an
19	introduced ourselves before off the record, but	19	intelligent, reasonable, estimate or
20	I'm Keith West. I'm one of the attorneys	20	approximation, we would like to know what your
21	representing the plaintiff, Ms. Alvarado, in this	21	estimates or approximations are, just let us know
	lawsuit.		that you're giving an estimate or an
22	Just a few formalities to get on	22	approximation. Okay?
23	the record. You're here represented by Counsel	23	A. Yes.
24	from the city. You've had a chance to confer with	24	Q. This is not intended to be an
	Page 6		Page 8
1	your attorney and you feel prepared to proceed	1	unnecessarily uncomfortable process. If you want
2	with your deposition at this time?	2	to take a break at any time, you want us to grab
3	A. Yes.	3	you some coffee, you need to use the restroom, you
4	Q. Have you ever been in a deposition	4	want some water, anything like that, just let us
5	before?	5	know and we'll try to be as accommodating as we
6	A. Yes.	6	can be. Okay?
7	Q. Do you have an estimate or	7	A. Okay. Thank you.
8	approximation of how many depositions you've been	8	Q. Likewise, another instruction would
9	in before?	9	be don't answer any question if you don't
10	A. About a handful. Less than five.	10	understand it. If you're asked a question and you
11	Q. Less than five?	11	need it to be rephrased, you need me to speak
10	A. Yes.	12	louder, slower, anything like that, just let us
12		1 1 2	1 The common time to the common man detire on T
13	Q. And have those all been with	13	know. I'm gonna try to be as accommodating as I
	Q. And have those all been with testifying as a member of the Philadelphia Police	14	can and, if possible, I'll rephrase or restate the
13			
13 14	testifying as a member of the Philadelphia Police	14	can and, if possible, I'll rephrase or restate the
13 14 15	testifying as a member of the Philadelphia Police Department?	14 15	can and, if possible, I'll rephrase or restate the question. Okay?
13 14 15 16	testifying as a member of the Philadelphia Police Department? A. That's correct, yes.	14 15 16	can and, if possible, I'll rephrase or restate the question. Okay? A. Yes.
13 14 15 16 17	testifying as a member of the Philadelphia Police Department? A. That's correct, yes. Q. So you're probably familiar with	14 15 16 17	can and, if possible, I'll rephrase or restate the question. Okay? A. Yes. Q. So with that, I guess we can get
13 14 15 16 17	testifying as a member of the Philadelphia Police Department? A. That's correct, yes. Q. So you're probably familiar with the process, but I'm just gonna go over quick	14 15 16 17 18	can and, if possible, I'll rephrase or restate the question. Okay? A. Yes. Q. So with that, I guess we can get into the substance of our deposition. I'll just
13 14 15 16 17 18	testifying as a member of the Philadelphia Police Department? A. That's correct, yes. Q. So you're probably familiar with the process, but I'm just gonna go over quick background.	14 15 16 17 18 19	can and, if possible, I'll rephrase or restate the question. Okay? A. Yes. Q. So with that, I guess we can get into the substance of our deposition. I'll just state for the record that prior to us going on the
13 14 15 16 17 18 19 20	testifying as a member of the Philadelphia Police Department? A. That's correct, yes. Q. So you're probably familiar with the process, but I'm just gonna go over quick background. The first couple questions, I'm	14 15 16 17 18 19 20	can and, if possible, I'll rephrase or restate the question. Okay? A. Yes. Q. So with that, I guess we can get into the substance of our deposition. I'll just state for the record that prior to us going on the record, through your attorney, you gave us a
13 14 15 16 17 18 19 20 21	testifying as a member of the Philadelphia Police Department? A. That's correct, yes. Q. So you're probably familiar with the process, but I'm just gonna go over quick background. The first couple questions, I'm sure you get to ask these all the time, don't take	14 15 16 17 18 19 20 21	can and, if possible, I'll rephrase or restate the question. Okay? A. Yes. Q. So with that, I guess we can get into the substance of our deposition. I'll just state for the record that prior to us going on the record, through your attorney, you gave us a small packet of documents.

2 (Pages 5 to 8)

f2c9ef0a-fa93-4b60-8a54-1abff48e0487

Page 9 Page 11 1 1 (Whereupon, Exhibit Monk-1 was that order 2 2 marked for identification.) Q. When you say in that order, could 3 3 you explain the context of in what sense is that 4 BY MR. WEST: 4 in order? 5 I've given you a document that's 5 Well, rear is the lead vehicle that A. 6 marked Monk-1. 6 leads out to the property, breacher is right 7 A. Yes. 7 behind him, then front, and then the two entry 8 And the back of this packet is a Q. 8 teams thereafter. 9 photograph and the front says SWAT Unit Recon 9 Q. Is this in the sense of like a 10 Sheet, right? 10 caravan of vehicles approaching the property? 11 A. Yes. 11 A. That's correct. 12 O. So I would like to just go through 12 Q. Tools, what does that refer to? 13 this packet. If you could identify -- first of 13 A. The tools needed for the particular 14 all, why did you bring this with you? 14 operation. In this case, the ram, the Halligan, 15 A. To refresh my memory of what took 15 and the water based fire extinguisher, in case 16 place. 16 there's a fire, if we have to deploy a flash 17 Q. This will help refresh your 17 suppression device. 18 recollection of the incident involved 18 Do you know what the purpose of the 19 Ms. Alvarado? 19 mission was that the SWAT Unit recon sheet refers 20 A. Yes. 20 to? 21 Q. So the first document, if I'm 21 A. We were executing a warrant on 22 looking at it correctly, is a two-sided piece of 22 behalf of the homicide unit, Philadelphia Homicide 23 paper and it says SWAT Recon Sheet, right? 23 Unit, an arrest warrant for 2.4 A. Yes. 24 And what specifically -- strike the Page 10 Page 12 1 Could you identify this document 1 question. Strike the question for right now. Q. 2 2 for us? Tell us what it is. Let's just go to the second page. What is the 3 It is our recon sheet. It is used 3 second page, SWAT Unit Service Report? 4 4 Yes. This is a synopsis of what when our individuals go out and look at a property 5 and get the specifics of the property and come 5 took place during that warrant execution. 6 6 back and put it on paper. That includes the route How did this come into your Q. 7 7 to the property from our station area and the possession? 8 8 route to a hospital, if an officer happens to get MR. ZURBRIGGEN: Object to form, 9 9 injured. but Officer, you can answer, if you can. 10 10 THE WITNESS: I had my operation And this document it says location Q. 11 11 4664 Torresdale Avenue, Apartment 2nd floor rear, room assistant pull it up and make me a 12 correct? 12 copy of it. 13 13 BY MR. WEST: A. Yes. 14 14 Q. And in the bottom right corner, I Q. Was that in anticipation for 15 see L-O-M-R-B-F-E-E. Do you see that? 15 today's deposition? 16 16 A. That's correct. A. 17 What does that mean? 17 Besides the documents that we've Q. 18 L-O-M is line of march and 18 collectively marked Monk-1, are there any other 19 19 documents that you reviewed in anticipation for R-B-F-E-E is the line of march of our vehicles, 2.0 2.0 today's deposition? which is rear, breacher, front, entry, entry. 21 21 Rear containment are breachers, the ones that A. No. Just these three here. 22 22 breach the door, our front containment in the Did you review any recordings or 23 23 front of the property, and our two entry teams. video in preparation for today's deposition? 24 That designates how we approach the property, in 24 A. No.

3 (Pages 9 to 12)

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	Page 13		Page 15
1	Q. Do you know whether or not there's	1	A. No.
2	any recording of this warrant enforcement action?	2	Q. How long have you been a member of
3	MR. ZURBRIGGEN: Objection to form,	3	the SWAT Unit?
4	but Officer, you can answer, if you can.	4	A. 13 years.
5	THE WITNESS: State the question	5	Q. Then after that document, I think I
6	again, please.	6	see two photographs.
7	BY MR. WEST:	7	A. Well, the one photograph does not
8	Q. For example, did any of the	8	pertain to the job. It just happened to be a
9	officers wear body cams?	9	two-sided copy. It's a paper that was in the copy
10	A. No. We don't wear body cams, not	10	machine.
11	•	11	Q. So am I correct, in interpreting
12	yet anyway.	12	what you said, that the last page in our packet,
13	Q. And by we, who are you referring	13	the back side of the photograph, two-sided page,
	to?	14	is a photograph of a building that is not relevant
14	A. The SWAT Unit.	15	to this case?
15	Q. Most Philadelphia Police Department	16	A. That's correct.
16	officers do wear body cams when they're out	17	Q. So the picture before that, what's
17	performing their jobs, correct?	18	this a picture of?
18	A. Yes.	19	A. A picture of the property, whatever
19	MR. ZURBRIGGEN: Objection to form,	20	the address was, 4664 Torresdale.
20	but Officer, you can answer.	21	
21	THE WITNESS: I'm sorry. Yes.	22	Q. I see the word Google on here. Is
22	BY MR. WEST:	23	this a Google Maps picture?
23	Q. But the SWAT Unit does not,		A. That's correct.
24	correct?	24	Q. Do you know when this picture was
	Page 14		Page 16
1		1	
	A. Not yet, no. It's coming, but we	1	taken?
2	<i>y</i> ,	1 2	
2	don't have them yet.		A. No, I do not.
		2	A. No, I do not.Q. Was this picture taken prior to the
3	don't have them yet. MR. ZURBRIGGEN: Same objection,	2	A. No, I do not.
3 4	don't have them yet. MR. ZURBRIGGEN: Same objection, for the record. BY MR. WEST:	2 3 4	A. No, I do not. Q. Was this picture taken prior to the warrant enforcement action that this case is about?
3 4 5	don't have them yet. MR. ZURBRIGGEN: Same objection, for the record. BY MR. WEST: Q. When you say it's coming, when is	2 3 4 5	A. No, I do not. Q. Was this picture taken prior to the warrant enforcement action that this case is about? MR. ZURBRIGGEN: Objection to form,
3 4 5 6	don't have them yet. MR. ZURBRIGGEN: Same objection, for the record. BY MR. WEST: Q. When you say it's coming, when is that gonna happen?	2 3 4 5 6	A. No, I do not. Q. Was this picture taken prior to the warrant enforcement action that this case is about? MR. ZURBRIGGEN: Objection to form, but Officer, you can answer.
3 4 5 6 7	don't have them yet. MR. ZURBRIGGEN: Same objection, for the record. BY MR. WEST: Q. When you say it's coming, when is that gonna happen? MR. ZURBRIGGEN: Same objection for	2 3 4 5 6	A. No, I do not. Q. Was this picture taken prior to the warrant enforcement action that this case is about? MR. ZURBRIGGEN: Objection to form, but Officer, you can answer. THE WITNESS: Yes.
3 4 5 6 7 8	don't have them yet. MR. ZURBRIGGEN: Same objection, for the record. BY MR. WEST: Q. When you say it's coming, when is that gonna happen? MR. ZURBRIGGEN: Same objection for the record. Officer, you can answer.	2 3 4 5 6 7 8	A. No, I do not. Q. Was this picture taken prior to the warrant enforcement action that this case is about? MR. ZURBRIGGEN: Objection to form, but Officer, you can answer. THE WITNESS: Yes. BY MR. WEST:
3 4 5 6 7 8	don't have them yet. MR. ZURBRIGGEN: Same objection, for the record. BY MR. WEST: Q. When you say it's coming, when is that gonna happen? MR. ZURBRIGGEN: Same objection for the record. Officer, you can answer. THE WITNESS: We haven't been given	2 3 4 5 6 7 8 9	A. No, I do not. Q. Was this picture taken prior to the warrant enforcement action that this case is about? MR. ZURBRIGGEN: Objection to form, but Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. How do you know that?
3 4 5 6 7 8 9 10	don't have them yet. MR. ZURBRIGGEN: Same objection, for the record. BY MR. WEST: Q. When you say it's coming, when is that gonna happen? MR. ZURBRIGGEN: Same objection for the record. Officer, you can answer. THE WITNESS: We haven't been given a timeline. From what I understand,	2 3 4 5 6 7 8 9 10	A. No, I do not. Q. Was this picture taken prior to the warrant enforcement action that this case is about? MR. ZURBRIGGEN: Objection to form, but Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. How do you know that? A. It's a picture that we pulled off
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	don't have them yet. MR. ZURBRIGGEN: Same objection, for the record. BY MR. WEST: Q. When you say it's coming, when is that gonna happen? MR. ZURBRIGGEN: Same objection for the record. Officer, you can answer. THE WITNESS: We haven't been given a timeline. From what I understand, the rest of the department with be furnished with body cams. We will be the last to receive them. BY MR. WEST: Q. Do you know why the SWAT Team is the last to receive the body cams? MR. ZURBRIGGEN: Same objection. Officer, you can answer. THE WITNESS: No, I do not. BY MR. WEST:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. No, I do not. Q. Was this picture taken prior to the warrant enforcement action that this case is about? MR. ZURBRIGGEN: Objection to form, but Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. How do you know that? A. It's a picture that we pulled off the computer doing our recon. Q. So you believe that this picture was part of the reconnaissance for this mission? A. Yes. MR. ZURBRIGGEN: Same objection. BY MR. WEST: Q. Do you know that for certainty, or is that your assumption? A. No. I know that for certainty. Q. How do you know that?

4 (Pages 13 to 16)

Page 17 Page 19 1 1 So you believe that this was stored apartment? 2 2 in the system with other reconnaissance documents? MR. ZURBRIGGEN: Objection to form, 3 3 but Officer, you can answer. Yes. 4 MR. ZURBRIGGEN: Same objection for 4 THE WITNESS: The warrant 5 5 the record. stipulated second floor, but again, once 6 6 BY MR. WEST: we breached the door, there was no first 7 7 Q. Sir, I'll represent to you this or second floor. 8 8 incident occurred in June 2021. Do you have any BY MR. WEST: 9 recollection today of this incident from June 2021 9 Q. Okay, sir. I want to make sure you 10 10 where members of the Philadelphia SWAT Unit understand the question I'm asking you. 11 11 entered Ms. Alvarado's home? Pursuant to the warrant that you 12 12 A. Yes. were enforcing, were you legally allowed to be in 13 13 O. Just tell me generally, what can the first floor apartment? 14 you remember about that incident today? 14 MR. ZURBRIGGEN: Object to form. 15 15 What I remember is that we arrived Officer, you can answer. 16 on location. My containment team setup their 16 THE WITNESS: No. 17 17 perimeter. Entry teams went up to the door. A BY MR. WEST: 18 knock was executed by our breaching team and I 18 Okay. Did you enter the first Q. 19 gave the order to breach. Often times when you 19 floor apartment? 20 knock on the main door, occupants don't hear it. 20 A. Yes. 21 21 So we gave a brief knock, then we entered. Once Q. Why? 22 the door was breached, we entered and it went 22 A. Not knowing -- again, the warrant 23 23 right into the property itself. There was no indicated second floor. So it was my belief that 2.4 first or second floor. 24 perhaps there's an entrance within the apartment Page 18 Page 20 1 Q. Okay. itself, leading up to the second floor. 2 2 You said you thought that perhaps We entered the property. Officer 3 Song was the lead officer, then Officer Hamoy 3 there was an entrance to the second floor? 4 4 after him, then myself. Then the rest of the team A. Yes. 5 5 behind me. There were dogs barking, one dog I If you're attempting to enter an Q. 6 6 remember in particular. We proceeded past the apartment for which you do have a valid warrant, 7 7 dog. Then I hear a discharge and that's when as a member of the Philadelphia Police Department, 8 8 Officer Song had discharged his weapon. We pursuant to the policies and procedures of the 9 9 continued forward into the property to clear the Philadelphia Police Department, as you understand 10 10 property. There was woman occupant in the them based on your training, are you allowed to go 11 11 property. I believe she was in the kitchen area, into someone else's apartment that is not subject 12 12 kitchen or living room area, I'm not completely to the warrant? 13 13 sure. We were looking for the second floor. She MR. ZURBRIGGEN: Objection to form. 14 14 indicated the second floor entrance was in the Officer, you can answer, if you can. 15 15 THE WITNESS: Let me back up. At rear of the property. 16 16 the time it was unknown whether the Okay. When you entered this 17 property, were you attempting to execute some sort 17 entrance was within the first floor 18 of warrant? 18 apartment or not. So I would go with we 19 19 were legally -- we had legal bounds to A. Yes. I'm sorry. I'll refer to the 20 20 document. Yes, an arrest warrant and search be in that apartment. 21 21 BY MR. WEST: warrant, on behalf of the Homicide Unit. 22 22 Pursuant to warrants that you are So you believe that you were 23 23 legally allowed to be in apartment one, first attempting to enforce at that time, were you 24 24 legally allowed to be in the first floor floor?

5 (Pages 17 to 20)

MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer.	1	Lieutenant, you can answer.
Lieutenant vou can answer		· *
	2	THE WITNESS: Well, again, once
THE WITNESS: Yes.	3	we
BY MR. WEST:	4	MR. WEST: If you could just answer
Q. And legally why were you allowed to	5	the question I'm asking.
	6	MR. ZURBRIGGEN: Same objection.
_	7	Lieutenant.
	8	THE WITNESS: State the question
• •	9	again. I'm sorry.
-	10	BY MR. WEST:
-	11	Q. Yeah. I think this might be a yes
	12	or no answer, if you can.
	13	So if you're executing a warrant
·	14	for an apartment number two, say a multi residence
· · · · · · · · · · · · · · · · · · ·	15	apartment and your warrant says apartment number
_	16	two, if you believe that you can cross through
	17	apartment number one to get to apartment number
	18	two, are you legally allowed to cross through
		apartment one to get to number two, based on your
	20	understanding?
		MR. ZURBRIGGEN: Objection to form.
		Lieutenant, you can answer.
		THE WITNESS: It's not a simple yes
		or no question, because again, once we
no door that led to a second noor. So		of no question, because again, once we
Page 22		Page 24
in my mind, it must be within the	1	breach the door, we're already in what
apartment itself perhaps.	2	we now know is apartment number one.
BY MR. WEST:	3	BY MR. WEST:
Q. So you're saying that because the	4	Q. So I'm not asking about what
door to Ms. Alvarado's apartment did not lead to	5	specifically happened in this situation. I'm just
the second floor, you were legally allowed to be	6	asking your understanding of the law.
in her apartment?	7	Is it your understanding that
MR. ZURBRIGGEN: Objection to form.	8	legally, if you have a warrant for one apartment,
Lieutenant, you can answer.	9	that warrant gives you the legal right to enter
THE WITNESS: Yes, because again,	10	someone else's apartment?
once we breached the exterior door, it	11	A. No, it does not.
opened right up to her to the	12	MR. ZURBRIGGEN: And objection to
property. It wasn't like it was	13	form.
identified as an apartment. It was just	14	THE WITNESS: No, it does not.
the exterior door, like you're opening a	15	BY MR. WEST:
door to a house.	16	Q. It does not?
BY MR. WEST:	17	A. No, it does not.
Q. So is it your understanding that if	18	MR. ZURBRIGGEN: Same objection for
	19	the record.
someone else's apartment by going through the	20	BY MR. WEST:
apartment, if your warrant is only applicable to	21	Q. But what if the other apartment
the second apartment, you're allowed to cross the	22	leads to the apartment where you have a warrant,
first one? MR. ZURBRIGGEN: Object to form.	23	can you go through the other apartment? MR. ZURBRIGGEN: Same objection for
	Q. And legally why were you allowed to be in apartment one, first floor? MR. ZURBRIGGEN: Objection to form. Lieutenant, you can answer. THE WITNESS: Because again, I'll stipulate that there was no entrance. When we breached the door, there was no entrance to a second floor apartment from the exterior. So therefore, in my mind, the second floor apartment. BY MR. WEST: Q. I'm sorry. Could you just repeat that? I don't think I'm understanding what you're saying. MR. ZURBRIGGEN: Same objection for the record. Lieutenant. THE WITNESS: Once we breached the exterior door to the property, there was no door that led to a second floor. So Page 22 in my mind, it must be within the apartment itself perhaps. BY MR. WEST: Q. So you're saying that because the door to Ms. Alvarado's apartment did not lead to the second floor, you were legally allowed to be in her apartment? MR. ZURBRIGGEN: Objection to form. Lieutenant, you can answer. THE WITNESS: Yes, because again, once we breached the exterior door, it opened right up to her — to the property. It wasn't like it was identified as an apartment. It was just the exterior door, like you're opening a door to a house. BY MR. WEST: Q. So is it your understanding that if you can cross someone's apartment and enter someone else's apartment by going through the apartment, if your warrant is only applicable to	Q. And legally why were you allowed to be in apartment one, first floor? MR. ZURBRIGGEN: Objection to form. Lieutenant, you can answer. THE WITNESS: Because again, I'll stipulate that there was no entrance. When we breached the door, there was no entrance to a second floor apartment from the exterior. So therefore, in my mind, the second floor entrance was within that first floor apartment. BY MR. WEST: Q. I'm sorry. Could you just repeat that? I don't think I'm understanding what you're saying. MR. ZURBRIGGEN: Same objection for the record. Lieutenant. THE WITNESS: Once we breached the exterior door to the property, there was no door that led to a second floor. So Page 22 in my mind, it must be within the apartment itself perhaps. BY MR. WEST: Q. So you're saying that because the door to Ms. Alvarado's apartment did not lead to the second floor, you were legally allowed to be in her apartment? MR. ZURBRIGGEN: Objection to form. Lieutenant, you can answer. THE WITNESS: Yes, because again, once we breached the exterior door, it opened right up to her — to the property. It wasn't like it was identified as an apartment. It was just the exterior door, like you're opening a door to a house. BY MR. WEST: Q. So is it your understanding that if you can cross someone's apartment and enter someone else's apartment by going through the apartment, if your warrant is only applicable to

6 (Pages 21 to 24)

	Page 25		Page 27
1	the record. Lieutenant, you can answer.	1	breached, yes.
2	THE WITNESS: In that case, you	2	BY MR. WEST:
3	would need a warrant for the whole	3	Q. So a person's private residence had
4	property.	4	been breached, correct?
5	BY MR. WEST:	5	MR. ZURBRIGGEN: Object to form.
6	Q. So prior to entering Ms. Alvarado's	6	Lieutenant, you can answer.
7	apartment, you understood that legally you are not	7	THE WITNESS: Yes.
8	allowed to go anywhere on the property, other than	8	BY MR. WEST:
9	the second floor rear apartment, correct?	9	Q. And did you believe that that
10	A. That's correct.	10	breached private residency was the second floor
11	MR. ZURBRIGGEN: Object to form.	11	rear apartment?
12	BY MR. WEST:	12	MR. ZURBRIGGEN: Object to form.
13	Q. So when you opened Ms. Alvarado's	13	Lieutenant, you can answer.
14	front door, if that door led anywhere other than	14	THE WITNESS: At the time, we did
15	the second floor rear apartment, you understood	15	not know the second floor was in the
16	that you were breaking the law by walking through	16	rear.
17	that door, correct?	17	BY MR. WEST:
18	MR. ZURBRIGGEN: Object to form.	18	Q. Well, the warrant specifically says
19	Lieutenant, you can answer, if you can.	19	second floor rear, does it not?
20	THE WITNESS: State the question	20	MR. ZURBRIGGEN: Object to form.
21	again, please.	21	Lieutenant, you can answer.
22	BY MR. WEST:	22	THE WITNESS: I have not seen the
23	Q. Prior to entering Ms. Alvarado's	23	warrant.
24	apartment, you knew that if you walked through her	24	BY MR. WEST:
	Page 26		Page 28
1	door and her door led to any residence other than	1	Q. All right, sir. If you look at the
2	the second floor rear apartment, if you walk	2	SWAT recon sheet, doesn't it say on it, location,
3	through that door, you're breaking the law, you	3	apartment second floor rear?
4	already knew that, correct?	4	A. The recon sheet was updated after
5	MR. ZURBRIGGEN: Object to form.	5	the warrant service was conducted.
6	Lieutenant, you can answer.	6	Q. So you're saying that this has been
7	THE WITNESS: No, I did not.	7	changed after the incident?
8	BY MR. WEST:	8	A. Yes.
9	Q. Okay.	9	Q. How do you know that?
10	A. Because again, once the exterior	10	A. Whatever transpires during the
1 1		11	
11	door was breached, it opened right to the		incident of any job, we always update our sheets
12	apartment. The property was open. There was no	12	in accordance to what we encounter during the
12 13	apartment. The property was open. There was no division as to a first floor or second floor.	12 13	in accordance to what we encounter during the warrant service.
12 13 14	apartment. The property was open. There was no division as to a first floor or second floor. It's just like opening a door to a house.	12 13 14	in accordance to what we encounter during the warrant service. Q. So what is your understanding as
12 13 14 15	apartment. The property was open. There was no division as to a first floor or second floor. It's just like opening a door to a house. Q. But what I'm saying okay. So	12 13 14 15	in accordance to what we encounter during the warrant service. Q. So what is your understanding as far as what the warrant said?
12 13 14 15 16	apartment. The property was open. There was no division as to a first floor or second floor. It's just like opening a door to a house. Q. But what I'm saying okay. So once you open that door, what was on the other	12 13 14 15 16	in accordance to what we encounter during the warrant service. Q. So what is your understanding as far as what the warrant said? MR. ZURBRIGGEN: Object to form.
12 13 14 15 16	apartment. The property was open. There was no division as to a first floor or second floor. It's just like opening a door to a house. Q. But what I'm saying okay. So once you open that door, what was on the other side?	12 13 14 15 16 17	in accordance to what we encounter during the warrant service. Q. So what is your understanding as far as what the warrant said? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can.
12 13 14 15 16	apartment. The property was open. There was no division as to a first floor or second floor. It's just like opening a door to a house. Q. But what I'm saying okay. So once you open that door, what was on the other side? A. Wide open property.	12 13 14 15 16 17 18	in accordance to what we encounter during the warrant service. Q. So what is your understanding as far as what the warrant said? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: To my recollection,
12 13 14 15 16 17 18 19	apartment. The property was open. There was no division as to a first floor or second floor. It's just like opening a door to a house. Q. But what I'm saying okay. So once you open that door, what was on the other side? A. Wide open property. Q. Wide open property, or property	12 13 14 15 16 17 18 19	in accordance to what we encounter during the warrant service. Q. So what is your understanding as far as what the warrant said? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: To my recollection, the address and stipulating that it was
12 13 14 15 16 17	apartment. The property was open. There was no division as to a first floor or second floor. It's just like opening a door to a house. Q. But what I'm saying okay. So once you open that door, what was on the other side? A. Wide open property. Q. Wide open property or property that you had opened?	12 13 14 15 16 17 18	in accordance to what we encounter during the warrant service. Q. So what is your understanding as far as what the warrant said? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: To my recollection, the address and stipulating that it was a second floor apartment, but there was
12 13 14 15 16 17 18 19 20	apartment. The property was open. There was no division as to a first floor or second floor. It's just like opening a door to a house. Q. But what I'm saying okay. So once you open that door, what was on the other side? A. Wide open property. Q. Wide open property, or property that you had opened? MR. ZURBRIGGEN: Object to form,	12 13 14 15 16 17 18 19 20	in accordance to what we encounter during the warrant service. Q. So what is your understanding as far as what the warrant said? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: To my recollection, the address and stipulating that it was a second floor apartment, but there was no delineation as to whether it was
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12 13 14 15 16 17 18 19 20 21	apartment. The property was open. There was no division as to a first floor or second floor. It's just like opening a door to a house. Q. But what I'm saying okay. So once you open that door, what was on the other side? A. Wide open property. Q. Wide open property, or property that you had opened? MR. ZURBRIGGEN: Object to form,	12 13 14 15 16 17 18 19 20 21 22	in accordance to what we encounter during the warrant service. Q. So what is your understanding as far as what the warrant said? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: To my recollection, the address and stipulating that it was a second floor apartment, but there was no delineation as to whether it was
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oor, had you breached the second floor ent? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: No. R. WEST: Once you breached the door, could entart you had breached a door entering into upied area, a residence? Yes. Did you believe the residence was
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e that you had breached a door entering into upied area, a residence? Yes.
upied area, a residence? Yes.
Yes.
Did you believe the residence was
ond floor rear apartment?
I didn't know what we had at the
r didn't know what we had at the
MR. ZURBRIGGEN: Object to form
ust for the record. R. WEST:
Did you think it was reasonable to e that that was a second floor rear
ent?
MR. ZURBRIGGEN: Object to form.
Lieutenant, you can answer.
THE WITNESS: I didn't think how
an I state this? Obviously it was on
Page 32
he first floor, but again, it was a
surprise to all of us, myself included,
once we reached the doors, it was an
ppen property.
R. WEST:
Sir, so after you had breached
varado's front door, you knew that you were
varado's front door, you knew that you were sly on the first floor, as you just said,
sly on the first floor, as you just said,
sly on the first floor, as you just said,
sly on the first floor, as you just said,
sly on the first floor, as you just said, ? MR. ZURBRIGGEN: Object to form.
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sly on the first floor, as you just said, MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Yes. R. WEST: Did you walk through her front Yes. Did you knowingly enter property
sly on the first floor, as you just said, R. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Yes. R. WEST: Did you walk through her front Yes. Did you knowingly enter property as not described on the search warrant as
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	Page 33		Page 35
1	Q. So	1	BY MR. WEST:
2	MR. ZURBRIGGEN: Lieutenant, were	2	Q. Sir, did you believe that you were
3	you finished with your answer?	3	entering the second floor rear apartment when you
4	THE WITNESS: Yes.	4	walked through that door?
5	MR. ZURBRIGGEN: Okay.	5	MR. ZURBRIGGEN: Same objection.
6	BY MR. WEST:	6	Lieutenant, you can answer.
7	Q. Sir, did you believe that it was	7	THE WITNESS: When we breached the
8	possible that you could access the second floor	8	exterior door, I'm expecting there to be
9	rear apartment through Ms. Alvarado's first floor	9	two doors, one for one apartment, one
10	apartment?	10	for the second apartment.
11	MR. ZURBRIGGEN: Object to form.	11	BY MR. WEST:
12	Lieutenant, you can answer.	12	Q. Sir, the door was breached. You
13	THE WITNESS: I thought it was	13	walked through the door. Did you believe that you
14	possible, yes.	14	were walking into an occupied residence?
15	BY MR. WEST:	15	MR. ZURBRIGGEN: Object to form.
16		16	
17	Q. Did you know whether or not that was possible?	17	Lieutenant, you can answer. THE WITNESS: We were walking into
18	A. I did not know it was possible.	18	an occupied residence, yes.
19	Q. However, assuming that it was true,	19	BY MR. WEST:
20	if it was possible to access the second floor rear	20	Q. Did you believe that occupied
21	apartment through Ms. Alvarado's first floor	21	residence was the second floor rear apartment?
22	apartment, would you legally have been allowed to	22	MR. ZURBRIGGEN: Object to form.
23	go through the first floor apartment, in order to	23	
24	get there, without a warrant?	24	Lieutenant, you can answer. THE WITNESS: Again, I did not know
	get there, without a warrant:		THE WITNESS. Again, I did not know
	Page 34		Page 36
1	MR. ZURBRIGGEN: Object to form.	1	what we were walking into. We just had
2	Lieutenant, you can answer.	2	an open property.
3	THE WITNESS: No.	3	BY MR. WEST:
4	BY MR. WEST:	4	Q. Okay. Sir
5	Q. So again, when you entered	5	A. After the fact, we can say it was
6	Ms. Alvarado's apartment, which you knew was an	6	an apartment, but at the time, we did not know.
7	occupied residence, which you knew was on the	7	Q. Did you answer the question yes or
8	first floor, did you knowingly enter her apartment	8	no? Did you believe that that occupied residence
9	illegally?	9	was the second floor rear apartment?
10	MR. ZURBRIGGEN: Object to form.	10	MR. ZURBRIGGEN: Object to form.
11	Lieutenant, you can answer.	11	Lieutenant, you can answer.
12	THE WITNESS: After the fact, no.	12	THE WITNESS: I cannot say it was
13	BY MR. WEST:	13	not, until we walked in.
14	Q. What do you mean by after the fact?	14	BY MR. WEST:
15	A. Because again	15	Q. Sir, what is the point of doing
16	MR. ZURBRIGGEN: Same objection for	16	reconnaissance prior to a warrant enforcement job?
	the meand but Lightement you can	17	MR. ZURBRIGGEN: Object to form.
17	the record, but Lieutenant, you can	1	T *
17 18	answer.	18	Lieutenant, you can answer.
17 18 19	answer. THE WITNESS: Because again, once	19	MR. WEST: In your experience.
17 18 19 20	answer. THE WITNESS: Because again, once we breached the exterior door, the	19 20	MR. WEST: In your experience. THE WITNESS: To identify the
17 18 19 20 21	answer. THE WITNESS: Because again, once we breached the exterior door, the property was wide open. So it could	19 20 21	MR. WEST: In your experience. THE WITNESS: To identify the properties, the specific property, any
17 18 19 20 21 22	answer. THE WITNESS: Because again, once we breached the exterior door, the property was wide open. So it could have been a whole house. We did not	19 20 21 22	MR. WEST: In your experience. THE WITNESS: To identify the properties, the specific property, any difficulties we may have on approach, to
17 18 19 20 21	answer. THE WITNESS: Because again, once we breached the exterior door, the property was wide open. So it could	19 20 21	MR. WEST: In your experience. THE WITNESS: To identify the properties, the specific property, any
17 18 19 20 21 22	answer. THE WITNESS: Because again, once we breached the exterior door, the property was wide open. So it could have been a whole house. We did not	19 20 21 22	MR. WEST: In your experience. THE WITNESS: To identify the properties, the specific property, any difficulties we may have on approach, to

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	Page 37		Page 39
1	BY MR. WEST:	1	Q. How long how much time passed
2	Q. Sir, did you personally order	2	between that knock and the front door being
3	Ms. Alvarado's front door to be breached?	3	breached?
4	A. Yes.	4	A. If I was to guess, 15, 20 seconds
5	Q. Are you aware of something known as	5	perhaps.
6	the knock and announce rule?	6	Q. You used the word guess. Why are
7	A. Yes.	7	you guessing?
8	Q. What is the knock and announce	8	MR. ZURBRIGGEN: Object to form.
9	rule?	9	Lieutenant, you can answer.
10	A. Knock and announce rule is when you	10	THE WITNESS: Because again, I was
11	knock on the door to give the occupant sufficient	11	not timing it. It was a short period of
12	time to open the door.	12	time.
13	Q. You've received training with	13	BY MR. WEST:
14	regards to the policies and procedures of the	14	Q. Have you received training from the
15	Philadelphia Police Department, correct?	15	Philadelphia Police Department as to techniques
16		16	you can use to try to figure out how much time is
17	MR. ZURBRIGGEN: Object to form.	17	
18	Lieutenant, you can answer. THE WITNESS: Yes.	18	passing between a knock and breaking in someone's door?
19		19	
20	BY MR. WEST:	20	MR. ZURBRIGGEN: Object to form.
21	Q. Based on the training that you've	21	Lieutenant, you can answer.
	received with regards to the policies and	22	THE WITNESS: Restate that again.
22	procedures of the Philadelphia Police Department,	23	BY MR. WEST:
23 24	what is the purpose of the knock and announce	24	Q. Have you received any sort of
24	rule?	24	training about how you can gauge how much time has
	Page 38		Page 40
1	MR. ZURBRIGGEN: Object to form.	1	passed from knocking on a door and breaking it
2	Lieutenant, you can answer.	2	open?
3	THE WITNESS: Again, we perform a	3	MR. ZURBRIGGEN: Same objection.
4	knock and announce, again, to make the	4	Lieutenant, you can answer.
5	occupant aware that the police are on	5	THE WITNESS: No.
6	their at their door and allow them	6	BY MR. WEST:
7	time, sufficient time, typically 25, 30	7	Q. Did you use any techniques to try
8	seconds, to open the door.	8	to figure out how much time passed as of June
9	BY MR. WEST:	9	2021?
10	Q. So am I correct to understand your	10	MR. ZURBRIGGEN: Same objection.
11	testimony as saying that you knew, prior to	11	Lieutenant, you can answer.
12	entering Ms. Alvarado's apartment, that under the	12	THE WITNESS: No.
13	policies and procedures of the Philadelphia Police	13	BY MR. WEST:
14	Department, you were required to knock on the door	14	Q. What is your basis for saying that
15	before entering and give the occupant sufficient	15	you believe at least 15 to 20 seconds passed?
16	time to voluntarily surrender the premises?	16	MR. ZURBRIGGEN: Object to form.
17	MR. ZURBRIGGEN: Object to form.	17	Lieutenant, you can answer.
1.0	Lieutenant, you can answer.	18	THE WITNESS: Because my state of
18		19	mind at the time, typically with a multi
19	THE WITNESS: That's correct.		
	THE WITNESS: That's correct. BY MR. WEST:	20	unit property, you knock on the exterior
19	BY MR. WEST: Q. Did you knock on Ms. Alvarado's	20 21	unit property, you knock on the exterior door and often times the occupants do
19 20	BY MR. WEST: Q. Did you knock on Ms. Alvarado's apartment prior to breaching the door?		door and often times the occupants do not hear. So you give a brief knock on
19 20 21 22 23	BY MR. WEST: Q. Did you knock on Ms. Alvarado's apartment prior to breaching the door? A. I did not, but the breaching team	21 22 23	door and often times the occupants do not hear. So you give a brief knock on that exterior door, breach that, and
19 20 21 22	BY MR. WEST: Q. Did you knock on Ms. Alvarado's apartment prior to breaching the door?	21 22	door and often times the occupants do not hear. So you give a brief knock on

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	Page 41		Page 43
1	door leading into whatever premises we	1	might have been shortened, but we did a
2	were going into.	2	knock and announce and there were dogs
3	BY MR. WEST:	3	barking inside as well.
4	Q. So you intentionally gave less time	4	BY MR. WEST:
5	than you thought was required for Ms. Alvarado to	5	Q. Did the training that you received
6	respond when you breached her door; is that your	6	from the Philadelphia Police Department give you
7	testimony?	7	any sort of guidance as to how much time you
8	MR. ZURBRIGGEN: Object to form,	8	should let pass between knocking on someone's
9	but Lieutenant, you can answer, if you	9	front door and smashing it open?
10	can.	10	MR. ZURBRIGGEN: Object to form.
11	THE WITNESS: We're knocking on the	11	Lieutenant, you can answer.
12	door to allow the second floor occupant	12	THE WITNESS: Typically it's about
13	to come down.	13	30 seconds.
14	BY MR. WEST:	14	BY MR. WEST:
15	Q. But when you breached the first	15	Q. Okay. So the training you received
16	floor door, you knew that you had allowed enough	16	was you should wait at least 30 seconds, correct?
17	time for someone on the first floor to voluntarily	17	MR. ZURBRIGGEN: Object to form.
18	answer the door. Is that correct?	18	Lieutenant, you can answer.
19	MR. ZURBRIGGEN: Object to form.	19	THE WITNESS: Not should wait, but
20	Lieutenant, you can answer.	20	typically about 30 seconds is
21	THE WITNESS: When we're knocking	21	appropriate, yes.
22	on the main exterior door, it's unknown	22	BY MR. WEST:
23	to us that is actually the first floor	23	Q. And so you will admit now that you
24	door.	24	did not follow your training because you did not
	Page 42		Page 44
1	Page 42 BY MR. WEST:	1	
1 2		1 2	Page 44 allow at least 30 seconds to pass, correct? MR. ZURBRIGGEN: Object to form.
	BY MR. WEST:		allow at least 30 seconds to pass, correct?
2	BY MR. WEST: Q. But regardless, the point being	2	allow at least 30 seconds to pass, correct? MR. ZURBRIGGEN: Object to form.
2	BY MR. WEST: Q. But regardless, the point being that you knew that you were giving less time than	2	allow at least 30 seconds to pass, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer.
2 3 4	BY MR. WEST: Q. But regardless, the point being that you knew that you were giving less time than you would have if it had been a front door that	2 3 4	allow at least 30 seconds to pass, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: I followed my
2 3 4 5	BY MR. WEST: Q. But regardless, the point being that you knew that you were giving less time than you would have if it had been a front door that you knew was occupied, correct?	2 3 4 5	allow at least 30 seconds to pass, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: I followed my training, but no, I did not allow the 30
2 3 4 5 6 7 8	BY MR. WEST: Q. But regardless, the point being that you knew that you were giving less time than you would have if it had been a front door that you knew was occupied, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Yes.	2 3 4 5 6 7 8	allow at least 30 seconds to pass, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: I followed my training, but no, I did not allow the 30 seconds. BY MR. WEST: Q. Okay. And had you ever been
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2 3 4 5 6 7 8 9	BY MR. WEST: Q. But regardless, the point being that you knew that you were giving less time than you would have if it had been a front door that you knew was occupied, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Was that consistent with the	2 3 4 5 6 7 8 9	allow at least 30 seconds to pass, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: I followed my training, but no, I did not allow the 30 seconds. BY MR. WEST: Q. Okay. And had you ever been trained by any official member of the strike the question.
2 3 4 5 6 7 8 9 10	BY MR. WEST: Q. But regardless, the point being that you knew that you were giving less time than you would have if it had been a front door that you knew was occupied, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Was that consistent with the training you received from the Philadelphia Police	2 3 4 5 6 7 8 9 10	allow at least 30 seconds to pass, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: I followed my training, but no, I did not allow the 30 seconds. BY MR. WEST: Q. Okay. And had you ever been trained by any official member of the strike the question. Had you ever been trained by the
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2 3 4 5 6 7 8 9 10 11 12	BY MR. WEST: Q. But regardless, the point being that you knew that you were giving less time than you would have if it had been a front door that you knew was occupied, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Was that consistent with the training you received from the Philadelphia Police Department? MR. ZURBRIGGEN: Same objection.	2 3 4 5 6 7 8 9 10 11 12 13	allow at least 30 seconds to pass, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: I followed my training, but no, I did not allow the 30 seconds. BY MR. WEST: Q. Okay. And had you ever been trained by any official member of the strike the question. Had you ever been trained by the Philadelphia Police Department that you were sometimes allowed to let less than about 30
2 3 4 5 6 7 8 9 10 11 12 13 14	BY MR. WEST: Q. But regardless, the point being that you knew that you were giving less time than you would have if it had been a front door that you knew was occupied, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Was that consistent with the training you received from the Philadelphia Police Department? MR. ZURBRIGGEN: Same objection. Lieutenant, you can answer.	2 3 4 5 6 7 8 9 10 11 12 13 14	allow at least 30 seconds to pass, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: I followed my training, but no, I did not allow the 30 seconds. BY MR. WEST: Q. Okay. And had you ever been trained by any official member of the strike the question. Had you ever been trained by the Philadelphia Police Department that you were sometimes allowed to let less than about 30 seconds pass before entering someone's property?
2 3 4 5 6 7 8 9 10 11 12 13 14	BY MR. WEST: Q. But regardless, the point being that you knew that you were giving less time than you would have if it had been a front door that you knew was occupied, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Was that consistent with the training you received from the Philadelphia Police Department? MR. ZURBRIGGEN: Same objection. Lieutenant, you can answer. THE WITNESS: I would go by	2 3 4 5 6 7 8 9 10 11 12 13 14	allow at least 30 seconds to pass, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: I followed my training, but no, I did not allow the 30 seconds. BY MR. WEST: Q. Okay. And had you ever been trained by any official member of the strike the question. Had you ever been trained by the Philadelphia Police Department that you were sometimes allowed to let less than about 30 seconds pass before entering someone's property? MR. ZURBRIGGEN: Object to form.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BY MR. WEST: Q. But regardless, the point being that you knew that you were giving less time than you would have if it had been a front door that you knew was occupied, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Was that consistent with the training you received from the Philadelphia Police Department? MR. ZURBRIGGEN: Same objection. Lieutenant, you can answer. THE WITNESS: I would go by experience that I've had on this job. BY MR. WEST: Q. Okay. Is that a way of saying that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	allow at least 30 seconds to pass, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: I followed my training, but no, I did not allow the 30 seconds. BY MR. WEST: Q. Okay. And had you ever been trained by any official member of the strike the question. Had you ever been trained by the Philadelphia Police Department that you were sometimes allowed to let less than about 30 seconds pass before entering someone's property? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Exigent circumstances, yes.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. WEST: Q. But regardless, the point being that you knew that you were giving less time than you would have if it had been a front door that you knew was occupied, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Was that consistent with the training you received from the Philadelphia Police Department? MR. ZURBRIGGEN: Same objection. Lieutenant, you can answer. THE WITNESS: I would go by experience that I've had on this job. BY MR. WEST: Q. Okay. Is that a way of saying that it was not consistent with the training that you received? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	allow at least 30 seconds to pass, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: I followed my training, but no, I did not allow the 30 seconds. BY MR. WEST: Q. Okay. And had you ever been trained by any official member of the strike the question. Had you ever been trained by the Philadelphia Police Department that you were sometimes allowed to let less than about 30 seconds pass before entering someone's property? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Exigent circumstances, yes. BY MR. WEST: Q. Were there any exigent circumstances here? MR. ZURBRIGGEN: Same objection.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MR. WEST: Q. But regardless, the point being that you knew that you were giving less time than you would have if it had been a front door that you knew was occupied, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Was that consistent with the training you received from the Philadelphia Police Department? MR. ZURBRIGGEN: Same objection. Lieutenant, you can answer. THE WITNESS: I would go by experience that I've had on this job. BY MR. WEST: Q. Okay. Is that a way of saying that it was not consistent with the training that you received? MR. ZURBRIGGEN: Object to form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	allow at least 30 seconds to pass, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: I followed my training, but no, I did not allow the 30 seconds. BY MR. WEST: Q. Okay. And had you ever been trained by any official member of the strike the question. Had you ever been trained by the Philadelphia Police Department that you were sometimes allowed to let less than about 30 seconds pass before entering someone's property? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Exigent circumstances, yes. BY MR. WEST: Q. Were there any exigent circumstances here?

11 (Pages 41 to 44)

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	Page 45		Page 47
1	BY MR. WEST:	1	as to why you did not follow that policy and
2	Q. So had you ever received any	2	procedure with regards to Ms. Alvarado's front
3	training from the Philadelphia Police Department	3	door?
4	that sometimes you didn't need to let about 30	4	MR. ZURBRIGGEN: Same objection.
5	seconds pass in a situation in which there were no	5	Lieutenant, you can answer.
6	exigent circumstance?	6	THE WITNESS: Yes. For one, the
7	MR. ZURBRIGGEN: Same objection.	7	exterior door typically to a multi
8	Lieutenant, you can answer.	8	occupant structure, when you're knocking
9	THE WITNESS: I'm sorry. Repeat	9	on the door, they typically do not hear
10	the question again, please.	10	the occupants inside. So we give a
11	BY MR. WEST:	11	brief knock, we breach, and then we give
12	Q. So had you ever received any	12	an extended knock on the actual door
13	training from the Philadelphia Police Department	13	itself leading to the premises.
14	that when you were doing a knock warrant	14	BY MR. WEST:
15	enforcement, you could let less than 30 seconds	15	Q. Sir, had you ever received any
16	pass between a knock and breaching the door in a	16	specific training from the Philadelphia Police
17	situation that did not involve exigent	17	Department as to how to enforce warrants at multi
18	circumstances?	18	occupant structures?
19	MR. ZURBRIGGEN: Object to form.	19	MR. ZURBRIGGEN: Object to form.
20	Lieutenant, you can answer.	20	Lieutenant, you can answer.
21	THE WITNESS: I'm sorry. Repeat	21	THE WITNESS: No.
22	that question one more time. I'm sorry.	22	BY MR. WEST:
23	BY MR. WEST:	23	Q. To your knowledge, did the
24	Q. Had you ever received any training	24	Philadelphia Police Department have any policies
	Page 46		Page 48
1	from the Philadelphia Police Department that when	1	or procedures with regards to enforcing warrants
2	enforcing a warrant and implementing the knock and	2	that were specific to multi occupant structures?
3	announce rule you could ignore the rule that	3	MR. ZURBRIGGEN: Same objection.
4	required you to wait approximately 30 seconds	4	Lieutenant, you can answer.
5	between knocking and breaching the property in a	5	THE WITNESS: No.
6	situation that did not involve exigent	6	BY MR. WEST:
7	circumstances?	7	Q. There was a reconnaissance done
8	MR. ZURBRIGGEN: Object to form.	8	related to this enforcement action, correct?
9	Lieutenant, you can answer.	9	A. Yes.
10	THE WITNESS: Not that I recall,	10	Q. Now, as the Lieutenant, you were in
11	no.	11	charge of this operation, correct?
12	BY MR. WEST:	12	MR. ZURBRIGGEN: Object to form,
13	Q. Was it your understanding, as of	13	but Lieutenant, you can answer.
14	June 2021, that the policies and procedures of the	14	THE WITNESS: Actually my Sergeant
15	Philadelphia Police Department relating to the	15	ran the job, Sergeant Mellody.
16	knock and announce rule required you to wait at	16	BY MR. WEST:
17	least 30 seconds between knocking on someone's	17	Q. In the kind of ranking order, does
18	front door and breaching the premises if there	18	a Lieutenant outrank a Sergeant in the
19	were no exigent circumstances?	19	Philadelphia Police Department, just overall?
20	MR. ZURBRIGGEN: Object to form.	20	A. Yes.
21	Lieutenant, you can answer.	21	MR. ZURBRIGGEN: Objection just for
22	THE WITNESS: Yes.	22	the record.
23	BY MR. WEST:	23	BY MR. WEST:
24	Q. Do you have any explanation today	24	Q. But is it your testimony that

12 (Pages 45 to 48)

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	Page 49		Page 51
1	Sergeant Mellody had more responsibility related	1	apartment?
2	to this job than you did?	2	MR. ZURBRIGGEN: Same objection.
3	MR. ZURBRIGGEN: Object to form.	3	Lieutenant, you can answer.
4	Lieutenant, you can answer.	4	THE WITNESS: Yes.
5	THE WITNESS: No. What I will say	5	BY MR. WEST:
6	is that he was in charge of running the	6	Q. Should you try to figure out
7	job. He had the job.	7	whether or not it's required to go through one
8	BY MR. WEST:	8	residence to get to another?
9	Q. Was he the one responsible for	9	MR. ZURBRIGGEN: Same objection.
10	doing the reconnaissance?	10	Lieutenant, you can answer.
11	A. Yes.	11	THE WITNESS: Repeat the question,
12	Q. Was he the one responsible for	12	please.
13	figuring out if there was a first floor apartment?	13	BY MR. WEST:
14	MR. ZURBRIGGEN: Object to form.	14	
15	Lieutenant, you can answer.	15	Q. As part of the reconnaissance,
16	THE WITNESS: If there was a first		should Sergeant Mellody have tried to figure out
17	floor apartment?	16	whether or not it was necessary to go through the
18	MR. WEST: Uh-huh.	17	first floor apartment to get to the second floor
19	THE WITNESS: Meaning?	18	apartment?
20	BY MR. WEST:	19	MR. ZURBRIGGEN: Same objection.
21	Q. So the warrant, as you've now	20	Lieutenant, you can answer.
22	highlighted, specifically refers to a second floor	21	THE WITNESS: There would have been
23	rear apartment, correct?	22	no way to determine that.
24	A. Yes.	23	BY MR. WEST:
	A. 1es.	24	Q. But is that something he should
	Page 50		Page 52
1	Q. Doesn't that imply that there's	1	have tried to figure out, if he could, as part of
2	probably a first floor apartment?	2	his reconnaissance?
3	MR. ZURBRIGGEN: Object to form.	3	MR. ZURBRIGGEN: Same objection.
4	Lieutenant, you can answer.	4	THE WITNESS: If he could, yes.
5	THE WITNESS: Yes.	5	BY MR. WEST:
6	BY MR. WEST:	6	Q. For example, he could call the
7	Q. So wouldn't part of the	7	property manager potentially, correct?
8	reconnaissance process be to figure out if the	8	MR. ZURBRIGGEN: Object.
9	first floor apartment is occupied?	9	Lieutenant.
10	MR. ZURBRIGGEN: Object to form.	10	THE WITNESS: Yes.
11	Lieutenant, you can answer.	11	BY MR. WEST:
12	THE WITNESS: Not whether it's	12	Q. Do you know if Sergeant Mellody
13	occupied, but whether it actually	13	did that?
14	exists.	14	A. I'm not aware that he did.
15	BY MR. WEST:	15	Q. He could potentially have checked
16	Q. Whether it exists and when you're	16	property records, correct?
17	going around figuring out if it exists, should you	17	MR. ZURBRIGGEN: Object to form.
18	also try to figure out what door leads into it?	18	Lieutenant, you can answer.
19	MR. ZURBRIGGEN: Object to form.	19	THE WITNESS: He could check
20	Lieutenant, you can answer.	20	property records, but I don't think
21	THE WITNESS: Yes.	21	property records, but I don't timik property records would have gave an
22	BY MR. WEST:	22	indication of the layout of the
23	Q. And should you try to figure out	23	property.
24	what door leads to the second floor rear	24	BY MR. WEST:

13 (Pages 49 to 52)

Page 53 Page 55 1 1 Q. Were you aware of the fact that on a cul-de-sac, you still never would have even 2 2 property records actually were pulled prior to considered the possibility that that door might 3 this job, which clearly showed that they were 3 lead to the rear apartment? 4 separate apartments? 4 MR. ZURBRIGGEN: Object to form. 5 MR. ZURBRIGGEN: Object to form. 5 Lieutenant, you can answer. 6 6 Lieutenant, you can answer. THE WITNESS: Unless we have 7 THE WITNESS: No, I'm not aware of 7 specific intel indicating that that is 8 that. 8 an entrance. Other than that, we treat BY MR. WEST: 9 9 it as an exit and our rear containment 10 That was not something you were Q. 10 would cover it. 11 informed of prior to this operation, correct? 11 BY MR. WEST: 12 MR. ZURBRIGGEN: Same objection. 12 Q. And when you say that, is that 13 Lieutenant, you can answer. 13 consistent to some sort of training that you 14 THE WITNESS: That's correct. 14 received from the Philadelphia Police Department? 15 BY MR. WEST: 15 MR. ZURBRIGGEN: Object to form. 16 Were you aware of the existence of 16 Lieutenant, you can answer. 17 a rear door prior to breaching Ms. Alvarado's 17 THE WITNESS: That's consistent 18 apartment? 18 with the number of jobs that we've done. 19 A. No. 19 BY MR. WEST: 20 Q. If you had known that there was a 20 Sir, could you please answer the rear entrance located on a cul-de-sac to this 21 21 question I asked you. Is that consistent with 22 property, do you think that you may have 22 specific training that you received from the 23 considered the possibility that the rear entrance 23 Philadelphia Police Department? 24 led to the rear apartment? 24 MR. ZURBRIGGEN: Same objection. Page 54 Page 56 1 MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. 2 2 THE WITNESS: Can you restate your Lieutenant, you can answer. 3 THE WITNESS: No, because in our 3 question? 4 4 BY MR. WEST: minds, the rear entrance would have been 5 5 Your testimony that you never would just that, just a rear exit, not an 6 6 entrance, unless we had other have considered the possibility that the rear door 7 7 information to verify that, validate might lead to the rear apartment, is that 8 8 that. consistent with specific training that you 9 9 BY MR. WEST: received at some point from the Philadelphia 10 10 Police Department? Please answer the question yes Is it your testimony, as a member 11 11 of the SWAT Unit of the Philadelphia Police 12 12 Department, that your understanding that a small MR. ZURBRIGGEN: Object to form. 13 13 amount of residences sometimes have doors that can Lieutenant, you can answer, if you can. 14 14 THE WITNESS: First of all, I did only be exited by not entered? 15 15 MR. ZURBRIGGEN: Object to form. not say I would never considered that, 16 16 but I said unless we have specific intel Lieutenant, you can answer. 17 THE WITNESS: Again, in this 17 indicating that that door is actually 18 particular property, you have two 18 the entrance to the property. 19 19 mailboxes in the front. So in my mind, BY MR. WEST: 2.0 2.0 the entrance to the property is in the Could you please answer the 21 21 front, not in the rear. question I asked? 22 BY MR. WEST: 22 MR. ZURBRIGGEN: Same objection to 23 Okay. And even if you had been 23 the question. 24 24 aware of the existence of a rear entrance located BY MR. WEST:

14 (Pages 53 to 56)

	Page 57		Page 59
1	Q. Did you ever receive any specific	1	the detectives and see if they have any
2	training from the Philadelphia Police Department	2	intel. We can confer with the property
3	on that issue?	3	manager, if we are able to contact one,
4	MR. ZURBRIGGEN: Same objection.	4	or property records in and of itself,
5	Lieutenant, answer if you can.	5	but outside of that, we will treat that
6	THE WITNESS: No.	6	door as an exit. Based upon two
7	BY MR. WEST:	7	mailboxes in the front, the entrance is
8	Q. To your knowledge, does the	8	in the front.
9	Philadelphia Police Department have any policies	9	BY MR. WEST:
10	or procedures pertaining to whether or not you	10	Q. Did anyone from the SWAT Unit ask
11	should go through front doors or rear doors,	11	the detective to try to ascertain which door led
12	anything like that?	12	where related to this property?
13	MR. ZURBRIGGEN: Object to form.	13	MR. ZURBRIGGEN: Object to form.
14	Lieutenant, you can answer.	14	Lieutenant, you can answer.
15	THE WITNESS: Not to my	15	THE WITNESS: I'm unable to answer
16	recollection.	16	that. I do not know.
17	BY MR. WEST:	17	BY MR. WEST:
18	Q. So where did you get this idea?	18	Q. Not to your knowledge, correct?
19	MR. ZURBRIGGEN: Same objection.	19	A. Not to my knowledge, no.
20	Lieutenant, you can answer, if you can.	20	Q. Did any member of the SWAT Unit ask
21	THE WITNESS: Idea referring to?	21	anyone else, besides the detective, to try to
22	BY MR. WEST:	22	ascertain which door led where prior to breaching
23	Q. Your testimony I believe has been	23	Ms. Alvarado's apartment?
24	that you wouldn't have considered that the rear	24	MR. ZURBRIGGEN: Object to form.
			That Bertstaeezi (Feet to tomi.
	Page 58		Page 60
1	door might be the entrance to the rear apartment,	1	Lieutenant, you can answer.
2	even if you'd known it existed and you've	2	THE WITNESS: Not to my knowledge.
3	testified that that's not consistent with any	3	BY MR. WEST:
4	particular training you've received, that's not	4	Q. Is that something that should have
5	consistent with any particular policy or	5	been done?
6	procedure. So where do you get this idea?	6	MR. ZURBRIGGEN: Object to form.
7	MR. ZURBRIGGEN: Object to form.	7	Lieutenant, you can answer.
8	Lieutenant, you can answer.	8	THE WITNESS: Going by what we
9	THE WITNESS: Dealing with this	9	determined in the recon, two mailboxes
10	specific property, again, there was two	10	in the front, led us to believe the
11	mailboxes in the front. There was no	11	entrance was from the front on
12	other intel indicating that the entrance	12	Torresdale Avenue.
13	to the rear apartment was from the rear.	13	BY MR. WEST:
14	BY MR. WEST:	14	Q. Okay. Had you ever received any
15	Q. If you have an apartment building	15	training from the Philadelphia Police Department
16	and it has two entrances, based on your	16	that reflected the mailbox rule that you're
17	understanding of what sort of reconnaissance	17	referring to?
18	should happen pursuant to the practices of the	18	MR. ZURBRIGGEN: Object to form.
19	SWAT Unit of the Philadelphia Police Department,	19	Lieutenant, you can answer, if you can.
20	what efforts should be made to determine which	20	THE WITNESS: No.
21	door leads where, if any?	21	BY MR. WEST:
22	MR. ZURBRIGGEN: Object to form.	22	Q. Were there any policies or
23	Lieutenant, you can answer.	23	procedures of the Philadelphia Police Department
24	THE WITNESS: Again, confer with	44	that you're aware of that made this reference to
1		I	

15 (Pages 57 to 60)

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	Page 61		Page 63
1	mailboxes that you're referring to?	1	apartment behind that door is on the first floor
2	MR. ZURBRIGGEN: Same objection.	2	of the property?
3	Lieutenant, you can answer, if you can.	3	MR. ZURBRIGGEN: Object to form.
4	THE WITNESS: No.	4	Lieutenant, you can answer, if you can.
5	BY MR. WEST:	5	THE WITNESS: Typically with a
6	Q. Sir, I'd ask you to look at the	6	multi occupied structure, this is just
7	photograph, the Google photograph, that we	7	the exterior door. Once that is
8	discussed before.	8	breached, there's a vestibule and
9	MR. WEST: I'm going to ask the	9	however many units are in there, those
10	court reporter actually to mark this	10	are the doors behind it.
11	document, this picture, as Monk-1A. I	11	BY MR. WEST:
12	just want to be absolutely clear on the	12	Q. Sir, please answer my question.
13	record which photograph we're referring	13	Can we both agree that the property that this
14	to.	14	door is located is on the first floor?
15		15	MR. ZURBRIGGEN: Object to form.
16	(Whereupon, Exhibit Monk-1A was	16	Lieutenant, you can answer.
17	marked for identification.)	17	THE WITNESS: No, I cannot agree to
18		18	that.
19	BY MR. WEST:	19	BY MR. WEST:
20	Q. Sir, I'm gonna ask you to very	20	Q. So based on the training that you
21	carefully look at this photograph now.	21	received as a member of the SWAT Unit and the
22	A. Yes.	22	Philadelphia Police Department, you're a
23	Q. As you look at this photograph	23	Lieutenant, and you're saying that based on that
24	today, do you think it's reasonable for anyone to	24	training, you don't know whether or not this is
	Page 62		Page 64
1		1	
1 2	believe that that door led to the second floor?	1 2	the first floor?
3	MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can.	3	MR. ZURBRIGGEN: Object to form. THE WITNESS: That's correct.
4	THE WITNESS: Yes.	4	MR. WEST: I have another
5	BY MR. WEST:	5	photograph. I'll state for record this
6	Q. If you look at that door, sir, if	6	photograph has been used at I believe
7	you look up, is there any second floor above that	7	every other deposition we've used so
8	door?	8	far. It's the same photograph. It's
9	MR. ZURBRIGGEN: Object to form.	9	from Google Maps. The date it was
10	Lieutenant, you can answer.	10	printed out is on the photograph,
11	THE WITNESS: No.	11	Monday, May 15, 9:30 a.m. I'd like to
12	BY MR. WEST:	12	mark it as Monk-3.
13	Q. So you can plainly see that this	13	
14	door doesn't lead to the second floor, correct?	14	(Whereupon, Exhibit Monk-3 was
15	MR. ZURBRIGGEN: Object to form.	15	marked for identification.)
16	BY MR. WEST:	16	
17	Q. There's no second floor there?	17	BY MR. WEST:
1.0	MR. ZURBRIGGEN: Object to form.	18	Q. Have you had a chance to review
18	Lieutenant, you can answer.	19	this photograph, sir?
19	Lieutenant, you can answer.		
	THE WITNESS: And there's no first	20	A. Yes.
19	· · · · · · · · · · · · · · · · · · ·	20 21	A. Yes.Q. Do you recognize this is the same
19 20	THE WITNESS: And there's no first		
19 20 21	THE WITNESS: And there's no first floor either identified, just two	21	Q. Do you recognize this is the same
19 20 21 22	THE WITNESS: And there's no first floor either identified, just two mailboxes.	21 22	Q. Do you recognize this is the same structure, just from a different angle?

16 (Pages 61 to 64)

	Page 65		Page 67
1	anyone to believe that that door led to the second	1	to determine whether or not you were entering
2	floor?	2	someone's home lawfully, correct?
3	MR. ZURBRIGGEN: Object to form.	3	MR. ZURBRIGGEN: Objection to form.
4	Lieutenant, you can answer.	4	Lieutenant, you can answer.
5	THE WITNESS: I do.	5	THE WITNESS: That's correct.
6	BY MR. WEST:	6	BY MR. WEST:
7	Q. Why?	7	Q. And am I correct to infer that
8	MR. ZURBRIGGEN: Same objection.	8	you've never received any training of any kind at
9	Lieutenant.	9	any time that would help you determine the
10	THE WITNESS: Based upon the fact	10	different structures that are used by multi
11	that there's two mailboxes on the	11	residence buildings?
12	exterior.	12	MR. ZURBRIGGEN: Object to form.
13	BY MR. WEST:	13	Lieutenant, you can answer.
14	Q. Can you see that there is a portion	14	THE WITNESS: No.
15	of this property behind that door which could only	15	BY MR. WEST:
16	be described as being located on the first floor	16	Q. I am correct or I'm not correct?
17	because there is no second floor?	17	A. No, we have not received training
18	MR. ZURBRIGGEN: Object to form.	18	as far as architecture of a structure.
19	Lieutenant, you can answer.	19	Q. Ever, of any kind, correct?
20	THE WITNESS: We do not know it's	20	A. That's correct.
21	not a second floor entrance until we	21	MR. ZURBRIGGEN: Same objection.
22	breach that door.	22	BY MR. WEST:
23	BY MR. WEST:	23	Q. In a city full of multi residence
24	Q. So your testimony is that you never	24	properties, you have no idea what you're doing,
			properties, you have no idea what you're doing,
	Page 66		Page 68
1	Page 66 received any sort of training as to how properties	1	Page 68 correct?
1 2		1 2	
	received any sort of training as to how properties		correct?
2	received any sort of training as to how properties work that would give you the ability to understand that there is no second floor on that property behind the door?	2	correct? MR. ZURBRIGGEN: Same objection. THE WITNESS: That's incorrect, because often times when you enter that
2	received any sort of training as to how properties work that would give you the ability to understand that there is no second floor on that property	2	correct? MR. ZURBRIGGEN: Same objection. THE WITNESS: That's incorrect,
2 3 4 5 6	received any sort of training as to how properties work that would give you the ability to understand that there is no second floor on that property behind the door? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer.	2 3 4	correct? MR. ZURBRIGGEN: Same objection. THE WITNESS: That's incorrect, because often times when you enter that
2 3 4 5	received any sort of training as to how properties work that would give you the ability to understand that there is no second floor on that property behind the door? MR. ZURBRIGGEN: Object to form.	2 3 4 5	correct? MR. ZURBRIGGEN: Same objection. THE WITNESS: That's incorrect, because often times when you enter that door, you don't know what you're gonna
2 3 4 5 6 7 8	received any sort of training as to how properties work that would give you the ability to understand that there is no second floor on that property behind the door? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer.	2 3 4 5 6 7 8	correct? MR. ZURBRIGGEN: Same objection. THE WITNESS: That's incorrect, because often times when you enter that door, you don't know what you're gonna encounter.
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17 (Pages 65 to 68)

Page 69 Page 71 1 1 didn't mean to interrupt you. Q. Okay. And the policies and 2 2 THE WITNESS: Go ahead, sir. procedures of the Philadelphia Police Department, 3 3 BY MR. WEST: as they've been communicated to you as of June 4 Q. Based on the policies and 4 2021, were that you, as a member of the SWAT Unit, 5 5 procedures of the Philadelphia Police Department could breach a front door to a private residence 6 6 as you understood them, based on your training as whether that door led to a residence for which you 7 7 of June 2021, if there was a door of a private had a valid warrant or to some other person's 8 8 residence and you did not know if that door led to residence, if you didn't know which was true, 9 a residence for which you had a warrant or to 9 correct? 10 10 someone else's private residence, were you allowed MR. ZURBRIGGEN: Same objection. 11 11 to breach that door? Lieutenant, you can answer. 12 12 MR. ZURBRIGGEN: Object to form. THE WITNESS: State that question 13 13 again, please. Lieutenant, you can answer. 14 THE WITNESS: State the question 14 MR. WEST: Could you read it back? 15 15 again, please. 16 BY MR. WEST: 16 (Whereupon, the last question was 17 17 Q. Based on the policies and read back by the court reporter.) 18 procedures of the Philadelphia Police Department, 18 19 as of June 2021, if you, as a member of the SWAT 19 MR. ZURBRIGGEN: Same objection for 20 Unit, went to someone's front door and you did not 20 record. 21 21 know if that front door led to a residence for THE WITNESS: If that is the door 22 which you had a warrant or to someone else's 22 into the residence, you can breach that 23 23 residence, were you allowed to breach that door? door, unless we have specific intel 2.4 MR. ZURBRIGGEN: Object to form. 24 indicating that there's another entrance Page 70 Page 72 1 1 to that specific area in which we are Lieutenant, you can answer. 2 2 THE WITNESS: Yes. executing a warrant. 3 BY MR. WEST: 3 BY MR. WEST: 4 4 Q. And what is the basis for your When you say the residence, what do 5 understanding of that? 5 you mean by the residence? Because I referred to 6 6 MR. ZURBRIGGEN: Same objection. a residence for which you do have a warrant and a 7 7 Lieutenant, you can answer. residence for which you do not have warrant. So 8 8 THE WITNESS: Because that door what do you mean? 9 9 that is being breached is the entrance MR. ZURBRIGGEN: Object to form. 10 10 to that property. Lieutenant. 11 11 BY MR. WEST: BY MR. WEST: 12 12 Sir, did you understand the Both? Do you mean both residences? 13 13 question? My question is if you didn't know? MR. ZURBRIGGEN: Same objection. 14 14 MR. ZURBRIGGEN: Same objection. Lieutenant. 15 15 THE WITNESS: A residence for -- if Lieutenant. 16 16 BY MR. WEST: we don't have a warrant for a residence, 17 17 Q. If you didn't know whether it led we're not going in that residence unless 18 to the property or not, are you still allowed to 18 there is a warrant. 19 19 breach the door? BY MR. WEST: 2.0 2.0 Yes. That's the only entrance into Right. So my question, sir -- I 21 21 wouldn't normally ask the same question over and the property. 22 22 MR. ZURBRIGGEN: Same objection for over, but I think you're making it clear that 23 23 the record. you're either not answering the question or you're 24 24 BY MR. WEST: not understanding the question. So I'm gonna ask

18 (Pages 69 to 72)

	Page 73		Page 75
1	the same question again.	1	is typically the entrance into the
2	According to the policies and	2	property itself for a multi unit
3	procedures of the Philadelphia Police Department,	3	structure. Once you get in, there's
4	as of June 2021, if there was a front door of a	4	multiple doors leading to whatever
5	private residence and you did not know if that	5	apartment.
6	front door led to a residence for which you did	6	BY MR. WEST:
7	have a warrant, or to someone else's residence,	7	Q. Sir, please answer the question
8	were you allowed to breach that door?	8	that you're being asked.
9	MR. ZURBRIGGEN: Object to form.	9	My question is if you have a
10	Lieutenant, you can answer.	10	warrant that's specific to one apartment within an
11	THE WITNESS: Are you referring to	11	apartment building, before you breach some private
12	a multi occupant structure, multi units?	12	resident's front door, were you required to figure
13	BY MR. WEST:	13	out if that front door led to the residence for
14	Q. I'm asking about a front door and	14	which you had the warrant, or to a different
15	you don't know who lives on the other side of that	15	residence?
16	door. Can you breach it?	16	MR. ZURBRIGGEN: Object to form.
17	MR. ZURBRIGGEN: Object to form.	17	Lieutenant, you can answer, if you can.
18	Lieutenant, you can answer, if you can.	18	THE WITNESS: When you're saying
19	THE WITNESS: If it's a multi unit	19	when you refer to a different residence,
20	structure and that is the entrance into	20	you're saying a residence other than the
21	the property, yes.	21	apartment for which we are going to?
22	BY MR. WEST:	22	MR. WEST: Yes.
23	Q. To the property for which you do	23	MR. ZURBRIGGEN: Same objection.
24	not have a warrant?	24	THE WITNESS: No.
	Page 74		Page 76
1	MR. ZURBRIGGEN: Object to form.	1	BY MR. WEST:
2	Lieutenant, you can answer.	2	Q. You're not required to make that
3	THE WITNESS: If it's a multi unit	3	determination?
4	structure, meaning multiple units within	4	A. No.
5	that one property, yes. That's the	5	Q. What, sir, is the SWAT Unit?
6	common door to get into that property.	6	A. Meaning?
7	BY MR. WEST:	7	Q. You're wearing a vest that says
8	Q. Right. So is your understanding	8	SWAT on it, correct?
9	then that if you have a search warrant that's	9	A. Yes.
10	valid for one apartment within an apartment	10	Q. And there is something within the
11	building, you're legally allowed to enter any	11	Philadelphia Police Department referred to as the
12	residence within that building?	12	SWAT Unit, correct?
13	MR. ZURBRIGGEN: Object to form.	13	A. Yes.
14	Lieutenant.	14	Q. What is it?
15	THE WITNESS: Not any residences.	15	A. Special Weapons And Tactics.
16	Specific apartment.	16	Q. And what does the SWAT Unit do?
17	BY MR. WEST:	17	A. Anything over and beyond what
18	Q. Okay. So before you open the front	18	patrol is able to handle, they call upon us.
19	door to anyone's apartment, are you required to	19	Q. Now, this incident involves the
20	figure out if that leads the residence for which	20	enforcement of a search warrant, correct?
21	you have a warrant, or someone else's residence?	21	A. Yes. We serve the most violent
23	MR. ZURBRIGGEN: Object to form.	22	warrants in the city.
24	Lieutenant, you can answer. THE WITNESS: Again, the front door	24	Q. Again, sir A. I'm sorry.
	THE WITNESS. Again, the Holit door		A. IIII sorty.
		1	

19 (Pages 73 to 76)

	Page 77		Page 79
1	Q. I don't want you to feel like I'm	1	Lieutenant, you can answer.
2	being testy with you, but just so we have a record	2	THE WITNESS: The requirement isn't
3	that makes any sense, please only answer the	3	30 seconds. It's suggested 30 seconds.
4	question asked. Okay?	4	BY MR. WEST:
5	A. Yes.	5	Q. Okay. What about ten seconds,
6	Q. So this incident involves the	6	would ten seconds have complied with the knock and
7	enforcement of a search and arrest warrant,	7	announce rule, or it would have been too little
8	correct?	8	time?
9	A. Yes.	9	MR. ZURBRIGGEN: Object to form.
10	Q. As of June 2021, was the SWAT Unit	10	Lieutenant, you can answer.
11	generally tasked with enforcing search and arrest	11	THE WITNESS: If there's no other
12	warrants?	12	variables, perhaps it would have been
13	MR. ZURBRIGGEN: Object to form.	13	too short.
14		14	
15	Lieutenant, you can answer, if you can.	15	BY MR. WEST:
16	THE WITNESS: Not all search and		Q. Okay. Why did you order the breach
	arrest warrants. Those are the most	16	of Ms. Alvarado's front door at the time that you
17	violent individuals.	17	did?
18	BY MR. WEST:	18	MR. ZURBRIGGEN: Object to form,
19	Q. As of June 2021, to your knowledge,	19	but Lieutenant, you can answer, if you
20	did the Philadelphia Police Department have any	20	can.
21	sort of policy or procedure in place as to how	21	THE WITNESS: Again, not knowing it
22	members of the SWAT Unit should deal with dogs at	22	was Ms. Alvarado's door, the door
23	private residences, if they encounter them?	23	typically the exterior door is just
24	MR. ZURBRIGGEN: Object to form.	24	that, the door leading into the
	Page 78		Page 80
1	Lieutenant, you can answer, if you can.	1	premises. Once you enter the vestibule,
2	THE WITNESS: I can't state that	2	there's multiple doors, depending upon
3	there is a policy in regards to that,	3	how many units you have in there. Each
4	no.	4	one has an individual door.
5	BY MR. WEST:	5	BY MR. WEST:
6	Q. Okay. Not to your knowledge,	6	Q. Sir, you've already testified that
7	correct?	7	there were no exigent circumstances, correct?
8	A. That's correct.	8	MR. ZURBRIGGEN: Object to form.
9	Q. Sir, if there's a if someone had	9	Lieutenant, you can answer.
10	only knocked on Ms. Alvarado's apartment door ten	10	THE WITNESS: That's correct.
11	seconds before breaching it, to your	11	BY MR. WEST:
12	understanding, would that be consistent with the	12	Q. You had control over the situation,
13	knock and announce rule?	13	you had control over the scene, correct?
14	MR. ZURBRIGGEN: Object to form.	14	MR. ZURBRIGGEN: Object to form.
15	Lieutenant, you can answer, if you can.	15	Lieutenant, you can answer.
		16	THE WITNESS: I'm sorry. Say
16	THE WITNESS: I keep going over and	1	
16 17	THE WITNESS: I keep going over and over it. Again, not knowing that that	17	that
	over it. Again, not knowing that that	1	• •
17		17	that BY MR. WEST:
17 18	over it. Again, not knowing that that door is an apartment door. BY MR. WEST:	17 18	that
17 18 19	over it. Again, not knowing that that door is an apartment door. BY MR. WEST: Q. Sir, if you could just answer the	17 18 19	that BY MR. WEST: Q. You had control over the situation, correct?
17 18 19 20	over it. Again, not knowing that that door is an apartment door. BY MR. WEST: Q. Sir, if you could just answer the question I asked. If ten seconds had passed,	17 18 19 20	that BY MR. WEST: Q. You had control over the situation, correct? MR. ZURBRIGGEN: Object to form.
17 18 19 20 21	over it. Again, not knowing that that door is an apartment door. BY MR. WEST: Q. Sir, if you could just answer the	17 18 19 20 21	that BY MR. WEST: Q. You had control over the situation, correct? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer.
17 18 19 20 21 22	over it. Again, not knowing that that door is an apartment door. BY MR. WEST: Q. Sir, if you could just answer the question I asked. If ten seconds had passed, would that have been less than required under the	17 18 19 20 21 22	that BY MR. WEST: Q. You had control over the situation, correct? MR. ZURBRIGGEN: Object to form.

20 (Pages 77 to 80)

	Page 81		Page 83
1	BY MR. WEST:	1	opportunity to voluntarily surrender that door,
2	Q. There were no well, strike that	2	correct?
3	question.	3	MR. ZURBRIGGEN: Object to form.
4	The SWAT Unit that day had the	4	Lieutenant, you can answer.
5	ability to choose the time when they would breach	5	THE WITNESS: Repeat the question,
6	the door, if they were gonna breach the door,	6	please.
7	correct?	7	BY MR. WEST:
8	MR. ZURBRIGGEN: Object to form.	8	Q. That door that was breached, prior
9	Lieutenant, you can answer.	9	to breaching that door, you were not concerned
10	THE WITNESS: When you say time,	10	with allowing enough time for anyone who might be
11	the time of the execution or	11	behind that door an opportunity to voluntarily
12	BY MR. WEST:	12	surrender the premises, correct?
13	Q. Sure. At some point the SWAT Unit	13	MR. ZURBRIGGEN: Object to form.
14	breached the door, correct?	14	THE WITNESS: Incorrect, because
15	A. Yes.	15	again, we performed a knock and
16	Q. And the SWAT Unit had the ability	16	announce. Though it may have been
17	that day to choose when they would do that, if	17	shorter, we did perform a knock and
18	they would do it, correct?	18	announce.
19	MR. ZURBRIGGEN: Object to form.	19	BY MR. WEST:
20	Lieutenant, you can answer.	20	Q. Why didn't you wait the full 30
21	THE WITNESS: Yes.	21	seconds?
22	BY MR. WEST:	22	MR. ZURBRIGGEN: Object to form.
23	Q. So why did you choose the time that	23	Lieutenant, you can answer, if you can.
24	you chose?	24	THE WITNESS: Because most of the
	Page 82		Page 84
1	MR. ZURBRIGGEN: Same objection.	1	time the occupants do not hear that
1 2	MR. ZURBRIGGEN: Same objection. Lieutenant, you can answer.	1 2	time the occupants do not hear that knock because it's an exterior door.
		1	•
2	Lieutenant, you can answer.	2 3 4	knock because it's an exterior door. BY MR. WEST: Q. But why didn't you allow the
2	Lieutenant, you can answer. THE WITNESS: Are you talking about 6:00 a.m.? BY MR. WEST:	2 3	knock because it's an exterior door. BY MR. WEST: Q. But why didn't you allow the possibility that someone might hear the door?
2 3 4 5	Lieutenant, you can answer. THE WITNESS: Are you talking about 6:00 a.m.? BY MR. WEST: Q. The testimony of all the officers	2 3 4 5	knock because it's an exterior door. BY MR. WEST: Q. But why didn't you allow the
2 3 4 5 6	Lieutenant, you can answer. THE WITNESS: Are you talking about 6:00 a.m.? BY MR. WEST: Q. The testimony of all the officers we've deposed in this case is the only reason that	2 3 4 5 6 7	knock because it's an exterior door. BY MR. WEST: Q. But why didn't you allow the possibility that someone might hear the door? MR. ZURBRIGGEN: Same objection. Lieutenant, you can answer.
2 3 4 5 6 7 8	Lieutenant, you can answer. THE WITNESS: Are you talking about 6:00 a.m.? BY MR. WEST: Q. The testimony of all the officers	2 3 4 5 6 7 8	knock because it's an exterior door. BY MR. WEST: Q. But why didn't you allow the possibility that someone might hear the door? MR. ZURBRIGGEN: Same objection. Lieutenant, you can answer. THE WITNESS: The dogs were
2 3 4 5 6 7 8	Lieutenant, you can answer. THE WITNESS: Are you talking about 6:00 a.m.? BY MR. WEST: Q. The testimony of all the officers we've deposed in this case is the only reason that door was breached is because you told them to do that.	2 3 4 5 6 7 8	knock because it's an exterior door. BY MR. WEST: Q. But why didn't you allow the possibility that someone might hear the door? MR. ZURBRIGGEN: Same objection. Lieutenant, you can answer. THE WITNESS: The dogs were barking. When we knocked on the door,
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2 3 4 5 6 7 8 9 10 11	Lieutenant, you can answer. THE WITNESS: Are you talking about 6:00 a.m.? BY MR. WEST: Q. The testimony of all the officers we've deposed in this case is the only reason that door was breached is because you told them to do that. A. You're speaking of I'm sorry. Q. So why did you make that choice? What was going through your mind when you say we	2 3 4 5 6 7 8 9 10 11	knock because it's an exterior door. BY MR. WEST: Q. But why didn't you allow the possibility that someone might hear the door? MR. ZURBRIGGEN: Same objection. Lieutenant, you can answer. THE WITNESS: The dogs were barking. When we knocked on the door, the dogs were barking. That should have been added to the knock, awakening the residents within.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Lieutenant, you can answer. THE WITNESS: Are you talking about 6:00 a.m.? BY MR. WEST: Q. The testimony of all the officers we've deposed in this case is the only reason that door was breached is because you told them to do that. A. You're speaking of I'm sorry. Q. So why did you make that choice? What was going through your mind when you say we gotta do it right now? Why did you do it? A. I thought you were referring to the time of the execution. Again, in my mind, the exterior door is just that, a door leading into the premises. Once we enter the premises, there's gonna be an individual door to the second floor. MR. ZURBRIGGEN: And an objection to the question for the record.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	knock because it's an exterior door. BY MR. WEST: Q. But why didn't you allow the possibility that someone might hear the door? MR. ZURBRIGGEN: Same objection. Lieutenant, you can answer. THE WITNESS: The dogs were barking. When we knocked on the door, the dogs were barking. That should have been added to the knock, awakening the residents within. BY MR. WEST: Q. So you heard dogs barking on the other side of the door before you breached it, correct? A. Yes. Q. Did that give you any sort of indication that that might be an occupied area? MR. ZURBRIGGEN: Object to form.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Lieutenant, you can answer. THE WITNESS: Are you talking about 6:00 a.m.? BY MR. WEST: Q. The testimony of all the officers we've deposed in this case is the only reason that door was breached is because you told them to do that. A. You're speaking of I'm sorry. Q. So why did you make that choice? What was going through your mind when you say we gotta do it right now? Why did you do it? A. I thought you were referring to the time of the execution. Again, in my mind, the exterior door is just that, a door leading into the premises. Once we enter the premises, there's gonna be an individual door to the second floor. MR. ZURBRIGGEN: And an objection to the question for the record. BY MR. WEST: Q. So prior to breaching that particular door, you were not concerned with	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	knock because it's an exterior door. BY MR. WEST: Q. But why didn't you allow the possibility that someone might hear the door? MR. ZURBRIGGEN: Same objection. Lieutenant, you can answer. THE WITNESS: The dogs were barking. When we knocked on the door, the dogs were barking. That should have been added to the knock, awakening the residents within. BY MR. WEST: Q. So you heard dogs barking on the other side of the door before you breached it, correct? A. Yes. Q. Did that give you any sort of indication that that might be an occupied area? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Occupied within the premises, yes, but not specifically
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Lieutenant, you can answer. THE WITNESS: Are you talking about 6:00 a.m.? BY MR. WEST: Q. The testimony of all the officers we've deposed in this case is the only reason that door was breached is because you told them to do that. A. You're speaking of I'm sorry. Q. So why did you make that choice? What was going through your mind when you say we gotta do it right now? Why did you do it? A. I thought you were referring to the time of the execution. Again, in my mind, the exterior door is just that, a door leading into the premises. Once we enter the premises, there's gonna be an individual door to the second floor. MR. ZURBRIGGEN: And an objection to the question for the record. BY MR. WEST: Q. So prior to breaching that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	knock because it's an exterior door. BY MR. WEST: Q. But why didn't you allow the possibility that someone might hear the door? MR. ZURBRIGGEN: Same objection. Lieutenant, you can answer. THE WITNESS: The dogs were barking. When we knocked on the door, the dogs were barking. That should have been added to the knock, awakening the residents within. BY MR. WEST: Q. So you heard dogs barking on the other side of the door before you breached it, correct? A. Yes. Q. Did that give you any sort of indication that that might be an occupied area? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: Occupied within the

21 (Pages 81 to 84)

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	Page 85		Page 87
1	BY MR. WEST:	1	Q. Is there any sort of policy or
2	Q. It didn't occur to you that when	2	procedure of the Philadelphia Police Department
3	you have a front when you have a door and	3	that said there was an exception to the knock and
4	there's dogs barking on the other side of that	4	announce rule if people heard dogs barking?
5	door, you might be entering someone's private	5	MR. ZURBRIGGEN: Same objection
6	residence?	6	Lieutenant, you can answer.
7	MR. ZURBRIGGEN: Object to form.	7	THE WITNESS: Well, it depends on
8	Lieutenant, you can answer.	8	the circumstance, but generally, no.
9	THE WITNESS: Dogs barking within	9	BY MR. WEST:
10	the premises, not necessarily behind	10	Q. So your training didn't tell you
11	that door. We're hearing dogs barking.	11	that dogs barking should lessen the period of time
12	We hear dogs barking from inside the	12	that you allow someone to voluntarily surrender
13	property, but it's nothing indicating	13	the premises before you smash open the door?
14		14	MR. ZURBRIGGEN: Same objection.
15	that that door leads right into the	15	
	property.	16	Lieutenant, you can answer.
16	BY MR. WEST:		BY MR. WEST:
17	Q. So is it your testimony that you	17	Q. There was no policy or procedure of
18	ordered the breach of Ms. Alvarado's front door	18	the Philadelphia Police Department, so why did you
19	sooner than you might have otherwise because you	19	do it?
20	heard dogs barking?	20	MR. ZURBRIGGEN: Same objection.
21	MR. ZURBRIGGEN: Object to form.	21	Lieutenant, you can answer.
22	Lieutenant, you can answer.	22	THE WITNESS: Again, typically an
23	THE WITNESS: That combined with	23	exterior door to a multi unit structure
24	the fact that typically it's an exterior	24	is just that, an exterior door. Once
	Page 86		<i>D</i> 00
	rage ou		Page 88
1		1	
1 2	door and there are apartment doors behind it.	1 2	you breach that, there's individual apartment doors.
	door and there are apartment doors		you breach that, there's individual
2	door and there are apartment doors behind it. BY MR. WEST:	2	you breach that, there's individual apartment doors. BY MR. WEST:
2	door and there are apartment doors behind it. BY MR. WEST: Q. Why did the dogs barking play any	2 3	you breach that, there's individual apartment doors. BY MR. WEST:
2 3 4	door and there are apartment doors behind it. BY MR. WEST:	2 3 4	you breach that, there's individual apartment doors. BY MR. WEST: Q. Sir, to be clear, right now I'm
2 3 4 5	door and there are apartment doors behind it. BY MR. WEST: Q. Why did the dogs barking play any role in your decisionmaking as to length required	2 3 4 5	you breach that, there's individual apartment doors. BY MR. WEST: Q. Sir, to be clear, right now I'm just trying to focus in on the dogs barking. You
2 3 4 5	door and there are apartment doors behind it. BY MR. WEST: Q. Why did the dogs barking play any role in your decisionmaking as to length required for the knock and announce rule?	2 3 4 5	you breach that, there's individual apartment doors. BY MR. WEST: Q. Sir, to be clear, right now I'm just trying to focus in on the dogs barking. You heard the dogs barking. You therefore said that
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22 (Pages 85 to 88)

	Page 89		Page 91
1	BY MR. WEST:	1	MR. ZURBRIGGEN: Object to form.
2	Q. How much time would you allow under	2	Lieutenant, you can answer.
3	those circumstances?	3	BY MR. WEST:
4	MR. ZURBRIGGEN: Same objection.	4	Q. Especially when you don't know for
5	Lieutenant, you can answer, if you can.	5	sure if you're even at the right house?
6	THE WITNESS: How much time would I	6	MR. ZURBRIGGEN: Object to form.
7	allow for what?	7	Lieutenant, you can answer.
8	BY MR. WEST:	8	THE WITNESS: Well, we know we're
9	Q. So you hear dogs barking, right?	9	at the right house.
10	A. Yes.	10	BY MR. WEST:
11	Q. How much time would you allow	11	Q. Sir, you were not at the right
12	people to hear their dogs barking and say	12	house, correct?
13	something in response?	13	MR. ZURBRIGGEN: Object to form.
14	MR. ZURBRIGGEN: Same objection.	14	Lieutenant, you can answer.
15		15	THE WITNESS: Going by the address,
16	Lieutenant, you can answer. THE WITNESS: The situation it	16	4664 Torresdale, we were at the right
17		17	premises.
18	depends, but generally when dogs are barking people generally say wait a	18	BY MR. WEST:
19		19	Q. But you did not enter the correct
20	minute, I'm coming, at least that's been	20	apartment, correct?
21	my experience.	21	MR. ZURBRIGGEN: Object to form.
22	BY MR. WEST:	22	Lieutenant, you can answer.
23	Q. And if you don't hear that	23	THE WITNESS: In retrospect, no, we
24	immediately, you're gonna smash open their door,	24	did not.
24	correct?		
	Page 90		Page 92
1	MR. ZURBRIGGEN: Object to form.	1	DVAD WEGE
			BY MR. WEST:
2	Lieutenant, you can answer.	2	Q. And I believe you've already
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3	THE WITNESS: It wasn't immediate.	2 3	Q. And I believe you've already testified that you didn't know for sure what was
3 4	THE WITNESS: It wasn't immediate. We gave a knock and announce. The dogs	2 3 4	Q. And I believe you've already testified that you didn't know for sure what was behind that door, correct?
3 4 5	THE WITNESS: It wasn't immediate. We gave a knock and announce. The dogs are barking during the time we were	2 3 4 5	Q. And I believe you've already testified that you didn't know for sure what was behind that door, correct? MR. ZURBRIGGEN: Object to form.
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23 (Pages 89 to 92)

	Page 93		Page 95
1	Q. You didn't even consider the	1	THE WITNESS: Yes. I heard dogs
2	possibility that that door might lead to the	2	barking.
3	first floor apartment?	3	BY MR. WEST:
4	A. No.	4	
5	MR. ZURBRIGGEN: Objection for the	5	
6	record.	6	that once the property was breached the dogs
7	BY MR. WEST:	7	inside might react defensively?
8			MR. ZURBRIGGEN: Object to form.
9	· · · · · · · · · · · · · · · · · · ·	8	Lieutenant, you can answer.
10	prior to executing this warrant, to ascertain who	9	THE WITNESS: Depending upon which
11	lived in the first floor apartment?	10	apartment we're going to, yes.
12	MR. ZURBRIGGEN: Object.	11	BY MR. WEST:
13	Lieutenant, you can answer.	12	Q. So you were aware of the
	THE WITNESS: Did I personally?	13	possibility that once the door was breached the
14	BY MR. WEST:	14	dogs may make some effort to scare the intruders
15	Q. You or anyone under your command,	15	away, correct?
16	to your knowledge?	16	MR. ZURBRIGGEN: Object to form.
17	A. Not to my knowledge.	17	Lieutenant, you can answer.
18	MR. ZURBRIGGEN: Same objection.	18	THE WITNESS: Depending upon which
19	THE WITNESS: Not to my knowledge.	19	apartment we're going into, yes. If
20	BY MR. WEST:	20	there's an apartment that there's no
21	Q. Did you ever ask anyone if they	21	dogs, there's no issue.
22	had made any sort of reconnaissance to figure out	22	BY MR. WEST:
23	where the first floor apartment was located?	23	Q. And to be clear, in this scenario,
24	MR. ZURBRIGGEN: Same objection.	24	you were the intruder, correct?
	Page 94		Page 96
1	Page 94 Lieutenant, you can answer.	1	Page 96 MR. ZURBRIGGEN: Object to form.
1 2		1 2	_
	Lieutenant, you can answer.		MR. ZURBRIGGEN: Object to form.
2	Lieutenant, you can answer. THE WITNESS: No.	2	MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can.
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24 (Pages 93 to 96)

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Page 97 Page 99 1 1 MR. ZURBRIGGEN: Object to form. breached, you knew that there was a possibility 2 2 Lieutenant, you can answer. that there were dogs on the other side of the 3 3 THE WITNESS: No. door, correct? 4 4 BY MR. WEST: A. 5 5 Okay. So you knew that when the MR. ZURBRIGGEN: Object to form. 6 6 property was breached the dogs inside may react BY MR. WEST: 7 7 defensively to try to scare away the intruders? And you knew that there was a 8 8 MR. ZURBRIGGEN: Object to form. possibility that those dogs would act as dogs 9 9 Lieutenant, you can answer. naturally do and try to defend their property, 10 BY MR. WEST: 10 correct? 11 11 What, based on your training, did MR. ZURBRIGGEN: Object to form. 12 you expect the dogs to do? 12 Lieutenant, you can answer, if you can. 13 MR. ZURBRIGGEN: Object to form. 13 THE WITNESS: Yes. 14 Lieutenant, you can answer. 14 BY MR. WEST: 15 15 THE WITNESS: Dogs will protect O. And you knew that, from the point 16 their premises. 16 of view of the dogs, people were intruding into 17 17 BY MR. WEST: the property, correct? 18 18 How, in your experience or MR. ZURBRIGGEN: Object to form. 19 19 training, are dogs likely to protect their home? Lieutenant, you can answer. 20 20 A. How? THE WITNESS: Yes. Q. Yeah. 21 BY MR. WEST: 22 22 MR. ZURBRIGGEN: Object to form. And you knew that it would be 23 23 THE WITNESS: They attack whoever natural for the dogs to either try to scare away 24 24 is invading their home. the people coming through the door or defend the Page 98 Page 100 1 BY MR. WEST: 1 home, correct? 2 2 So before you broke the door down, MR. ZURBRIGGEN: Object to form. 3 you knew that there was a likelihood that the 3 Lieutenant, you can answer. 4 4 THE WITNESS: Yes. dogs on the other side might try to attack 5 whoever came through the door, correct? 5 BY MR. WEST: 6 6 MR. ZURBRIGGEN: Object to form. Q. Did that in any way effect your 7 7 Lieutenant, you can answer. decision as to the timing of breaching the door? 8 8 THE WITNESS: Again, not knowing MR. ZURBRIGGEN: Same objection. 9 9 that door is leading into a first floor Lieutenant, you can answer. 10 10 apartment -- there's supposed to be at THE WITNESS: No, because again, in 11 11 least two apartments in the building my mind, it's a multi unit structure. 12 12 from the exterior door. So dogs could At least two doors are gonna be behind 13 13 be on the first floor or dogs could be this exterior door. That's the only 14 14 on the second floor. thing that was in my mind. 15 15 MR. WEST: Let's mark Monk-4. BY MR. WEST: 16 16 Q. Sir, could you answer the question 17 that was asked? 17 (Whereupon, Exhibit Monk-4 was 18 MR. ZURBRIGGEN: Same objection to 18 marked for identification.) 19 19 the question. Lieutenant, you can 2.0 2.0 answer. BY MR. WEST: 21 21 THE WITNESS: Please restate the Q. I want to put on the record that 22 22 question. the document I've handed you, that's marked as 23 BY MR. WEST: 23 Monk-4, is a document that was produced to us in 24 24 discovery by the defendants. It's been Bates Sure. Before that door was

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	Page 101		Page 103
1	stamped Defendant 235 to 240.	1	Q. Prior to breaching the property,
2	Sir, I'm just gonna read from the	2	had any of your SWAT officers pulled out their
3	first page. So it's I, Introduction, Section B,	3	pepper spray in anticipation of anticipating
4	Training Objectives. First of all, have you ever	4	strike the question. I apologize. I'm just
5	seen this document before?	5	wording it wrong. I'm not trying to take up extra
6	A. No.	6	of your time.
7	Q. So it says B1 says, "Failing to	7	Prior to breaching Ms. Alvarado's
8	anticipate a dog on the premises is a frequent	8	door, had you or any of the other SWAT officers
9	mistake that officers make." Had you ever	9	pulled out your pepper spray in anticipation that
10	received any training about that from the	10	you might be encountering a dog?
11	Philadelphia Police Department?	11	MR. ZURBRIGGEN: Object to form.
12	MR. ZURBRIGGEN: Object to form.	12	THE WITNESS: Not that I'm aware
13	THE WITNESS: No.	13	of.
14	BY MR. WEST:	14	BY MR. WEST:
15	Q. Do you have any knowledge as to why	15	1 11 12
16	failing to anticipate a dog on the premises might	16	Q. And you gave no such order,
17	be a mistake?	17	correct?
18	MR. ZURBRIGGEN: Object to form.	18	MR. ZURBRIGGEN: Object to form.
19	Lieutenant, you can answer, if you can.		THE WITNESS: That's correct.
20	THE WITNESS: I don't know why that	19	BY MR. WEST:
21	would be a frequent mistake for	20	Q. And no such training had been
22	officers.	21	received by any of the SWAT Unit officers, to your
23	BY MR. WEST:	22	knowledge, correct?
24	Q. Okay. So will you go to page four	23	MR. ZURBRIGGEN: Object to form.
	Q. Simji be will you go to page four	24	Lieutenant, you can answer, if you can.
	Page 102		Page 104
1	of the document that's Bates stamped 238?	1	THE WITNESS: Training as to?
2	A. Yes.	2	BY MR. WEST:
3	Q. Is says tools, right, do you see	3	Q. That one of the things you'd want
4	that there?	4	to do before going into someone's property, if you
5	A. Yes.	5	think they have a dog, is pull out your pepper
6	Q. "Having the right tools or knowing	6	spray?
7	how to use ordinary objects can prevent an	7	MR. ZURBRIGGEN: Object to form.
8	attack." Pepper spray. Did you or the other	8	Lieutenant, you can answer.
9	members of the SWAT Unit have any pepper spray	9	THE WITNESS: We use pepper spray
10	prior to entering Ms. Alvarado's home?	10	as a last resort.
11	MR. ZURBRIGGEN: Object to form.	11	BY MR. WEST:
12	Lieutenant, you can answer.	12	Q. Before shooting the dog?
13	THE WITNESS: I had pepper spray on	13	MR. ZURBRIGGEN: Object to form.
14	me. I cannot attest to whether my	14	Lieutenant.
15	officers had pepper spray.	15	THE WITNESS: I'm not saying before
16	BY MR. WEST:	16	shooting a dog, but as a last resort
17	Q. Because you knew that there was a	17	period, because it contaminates the
18	chance there was a dog in the property, did anyone	18	area, contaminates the officers,
19	pull out their pepper spray before breaching the	19	contaminates the occupants.
20	property?	20	BY MR. WEST:
21	MR. ZURBRIGGEN: Object to form.	21	Q. Right. So given the choice between
1	- · J · · · · · ·	22	shooting the dog or giving the dog pepper spray,
22	MR. WEST: Strike the auestion.	""	shooting the dog of giving the dog belove shiav.
22 23	MR. WEST: Strike the question. I'm gonna rephrase it.	23	
	MR. WEST: Strike the question. I'm gonna rephrase it. BY MR. WEST:		you would choose shooting the dog?
23	I'm gonna rephrase it.	23	you would choose shooting the dog?

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	Page 105		Page 107
1	Q. So pepper spray is not exactly the	1	A. Right.
2	last resort, correct?	2	Q. And certainly no one pulled out an
3	MR. ZURBRIGGEN: Object to form.	3	ASP or baton prior to breaching the door in
4	Lieutenant.	4	anticipation of encountering a dog, correct?
5	THE WITNESS: In that vein, no,	5	MR. ZURBRIGGEN: Same objection.
6	it's not the last resort.	6	Lieutenant, you can answer, if you can.
7	BY MR. WEST:	7	THE WITNESS: I will say that we're
8	Q. If an officer has a choice between	8	not gonna have an ASP in our hands going
9	using pepper spray against a dog or shooting the	9	in. We have our weapons in our hand.
10	dog in the head, which do you think they should	10	BY MR. WEST:
11	choose?	11	Q. Sir, if you could just answer the
12	MR. ZURBRIGGEN: Object to form.	12	question you're being asked.
13	Lieutenant, you can answer, if you can.	13	Prior to breaching Ms. Alvarado's
14	THE WITNESS: That depends on the	14	door, neither you, nor any of the other entry team
15	circumstances. If the dog is actively	15	pulled out a baton or an ASP in an anticipation of
16	attacking the officer, he has to do what	16	dealing with the dog?
17	he has to do. That's his judgment call.	17	A. That's correct.
18	BY MR. WEST:	18	MR. ZURBRIGGEN: And objection to
19	Q. In any case, prior to breaching	19	form for the record.
20	Ms. Alvarado's door, nobody prepared pepper spray	20	BY MR. WEST:
21	in anticipation of maybe having to encounter a	21	Q. And the other tool listed here is a
22	dog, correct?	22	CO2 fire extinguisher. Did you or any other of
23	A. That's correct.	23	the SWAT Team members have a CO2 fire extinguisher
24	Q. And prior you also see that it	24	with them?
	Page 106		Page 108
			rage 100
1	says here that you should have the right tools for	1	A. We have a water based fire
2	says here that you should have the right tools for dealing with the dog include a noose or a snare,	2	A. We have a water based fire extinguisher. Not a CO2.
2	says here that you should have the right tools for dealing with the dog include a noose or a snare, right?	2	A. We have a water based fire extinguisher. Not a CO2.Q. Okay.
2 3 4	says here that you should have the right tools for dealing with the dog include a noose or a snare, right? MR. ZURBRIGGEN: Object to form.	2 3 4	A. We have a water based fire extinguisher. Not a CO2.Q. Okay.A. No. No, we did not.
2 3 4 5	says here that you should have the right tools for dealing with the dog include a noose or a snare, right? MR. ZURBRIGGEN: Object to form. THE WITNESS: Yes.	2 3 4 5	 A. We have a water based fire extinguisher. Not a CO2. Q. Okay. A. No. No, we did not. Q. And was it your understanding that
2 3 4 5 6	says here that you should have the right tools for dealing with the dog include a noose or a snare, right? MR. ZURBRIGGEN: Object to form. THE WITNESS: Yes. BY MR. WEST:	2 3 4 5 6	 A. We have a water based fire extinguisher. Not a CO2. Q. Okay. A. No. No, we did not. Q. And was it your understanding that the water based fire extinguisher was something
2 3 4 5 6 7	says here that you should have the right tools for dealing with the dog include a noose or a snare, right? MR. ZURBRIGGEN: Object to form. THE WITNESS: Yes. BY MR. WEST: Q. Did anyone in your group of	2 3 4 5 6 7	A. We have a water based fire extinguisher. Not a CO2. Q. Okay. A. No. No, we did not. Q. And was it your understanding that the water based fire extinguisher was something that could be used with the dog?
2 3 4 5 6 7 8	says here that you should have the right tools for dealing with the dog include a noose or a snare, right? MR. ZURBRIGGEN: Object to form. THE WITNESS: Yes. BY MR. WEST: Q. Did anyone in your group of soldiers have either a noose or a snare prior to	2 3 4 5 6 7 8	A. We have a water based fire extinguisher. Not a CO2. Q. Okay. A. No. No, we did not. Q. And was it your understanding that the water based fire extinguisher was something that could be used with the dog? MR. ZURBRIGGEN: Object to form,
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2 3 4 5 6 7 8 9	says here that you should have the right tools for dealing with the dog include a noose or a snare, right? MR. ZURBRIGGEN: Object to form. THE WITNESS: Yes. BY MR. WEST: Q. Did anyone in your group of soldiers have either a noose or a snare prior to entering Ms. Alvarado's property? MR. ZURBRIGGEN: Object to form.	2 3 4 5 6 7 8 9	A. We have a water based fire extinguisher. Not a CO2. Q. Okay. A. No. No, we did not. Q. And was it your understanding that the water based fire extinguisher was something that could be used with the dog? MR. ZURBRIGGEN: Object to form, but Lieutenant, answer, if you can. THE WITNESS: No. We typically use
2 3 4 5 6 7 8 9 10	says here that you should have the right tools for dealing with the dog include a noose or a snare, right? MR. ZURBRIGGEN: Object to form. THE WITNESS: Yes. BY MR. WEST: Q. Did anyone in your group of soldiers have either a noose or a snare prior to entering Ms. Alvarado's property? MR. ZURBRIGGEN: Object to form. THE WITNESS: No.	2 3 4 5 6 7 8 9 10	A. We have a water based fire extinguisher. Not a CO2. Q. Okay. A. No. No, we did not. Q. And was it your understanding that the water based fire extinguisher was something that could be used with the dog? MR. ZURBRIGGEN: Object to form, but Lieutenant, answer, if you can. THE WITNESS: No. We typically use that for fires.
2 3 4 5 6 7 8 9 10 11	says here that you should have the right tools for dealing with the dog include a noose or a snare, right? MR. ZURBRIGGEN: Object to form. THE WITNESS: Yes. BY MR. WEST: Q. Did anyone in your group of soldiers have either a noose or a snare prior to entering Ms. Alvarado's property? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST:	2 3 4 5 6 7 8 9 10 11	A. We have a water based fire extinguisher. Not a CO2. Q. Okay. A. No. No, we did not. Q. And was it your understanding that the water based fire extinguisher was something that could be used with the dog? MR. ZURBRIGGEN: Object to form, but Lieutenant, answer, if you can. THE WITNESS: No. We typically use that for fires. BY MR. WEST:
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	says here that you should have the right tools for dealing with the dog include a noose or a snare, right? MR. ZURBRIGGEN: Object to form. THE WITNESS: Yes. BY MR. WEST: Q. Did anyone in your group of soldiers have either a noose or a snare prior to entering Ms. Alvarado's property? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. It says baton A-S-P. What does A-S-P stand for in this context? A. The ASP. Q. Did either you or any of the other officers who were entering Ms. Alvarado's apartment have a baton or an ASP prior to breaching the door? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. We have a water based fire extinguisher. Not a CO2. Q. Okay. A. No. No, we did not. Q. And was it your understanding that the water based fire extinguisher was something that could be used with the dog? MR. ZURBRIGGEN: Object to form, but Lieutenant, answer, if you can. THE WITNESS: No. We typically use that for fires. BY MR. WEST: Q. Okay. Prior to breaching Ms. Alvarado's door, had any plan been made as to what the officers should do when they encountered the dog on the other side? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: No. BY MR. WEST: Q. Based on your understanding of the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	says here that you should have the right tools for dealing with the dog include a noose or a snare, right? MR. ZURBRIGGEN: Object to form. THE WITNESS: Yes. BY MR. WEST: Q. Did anyone in your group of soldiers have either a noose or a snare prior to entering Ms. Alvarado's property? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. It says baton A-S-P. What does A-S-P stand for in this context? A. The ASP. Q. Did either you or any of the other officers who were entering Ms. Alvarado's apartment have a baton or an ASP prior to breaching the door? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: I do not recall.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. We have a water based fire extinguisher. Not a CO2. Q. Okay. A. No. No, we did not. Q. And was it your understanding that the water based fire extinguisher was something that could be used with the dog? MR. ZURBRIGGEN: Object to form, but Lieutenant, answer, if you can. THE WITNESS: No. We typically use that for fires. BY MR. WEST: Q. Okay. Prior to breaching Ms. Alvarado's door, had any plan been made as to what the officers should do when they encountered the dog on the other side? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: No. BY MR. WEST: Q. Based on your understanding of the policies and procedures of the Philadelphia Police
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	says here that you should have the right tools for dealing with the dog include a noose or a snare, right? MR. ZURBRIGGEN: Object to form. THE WITNESS: Yes. BY MR. WEST: Q. Did anyone in your group of soldiers have either a noose or a snare prior to entering Ms. Alvarado's property? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. It says baton A-S-P. What does A-S-P stand for in this context? A. The ASP. Q. Did either you or any of the other officers who were entering Ms. Alvarado's apartment have a baton or an ASP prior to breaching the door? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: I do not recall. BY MR. WEST:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. We have a water based fire extinguisher. Not a CO2. Q. Okay. A. No. No, we did not. Q. And was it your understanding that the water based fire extinguisher was something that could be used with the dog? MR. ZURBRIGGEN: Object to form, but Lieutenant, answer, if you can. THE WITNESS: No. We typically use that for fires. BY MR. WEST: Q. Okay. Prior to breaching Ms. Alvarado's door, had any plan been made as to what the officers should do when they encountered the dog on the other side? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: No. BY MR. WEST: Q. Based on your understanding of the policies and procedures of the Philadelphia Police Department, under what circumstances may an
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	says here that you should have the right tools for dealing with the dog include a noose or a snare, right? MR. ZURBRIGGEN: Object to form. THE WITNESS: Yes. BY MR. WEST: Q. Did anyone in your group of soldiers have either a noose or a snare prior to entering Ms. Alvarado's property? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. It says baton A-S-P. What does A-S-P stand for in this context? A. The ASP. Q. Did either you or any of the other officers who were entering Ms. Alvarado's apartment have a baton or an ASP prior to breaching the door? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: I do not recall.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. We have a water based fire extinguisher. Not a CO2. Q. Okay. A. No. No, we did not. Q. And was it your understanding that the water based fire extinguisher was something that could be used with the dog? MR. ZURBRIGGEN: Object to form, but Lieutenant, answer, if you can. THE WITNESS: No. We typically use that for fires. BY MR. WEST: Q. Okay. Prior to breaching Ms. Alvarado's door, had any plan been made as to what the officers should do when they encountered the dog on the other side? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: No. BY MR. WEST: Q. Based on your understanding of the policies and procedures of the Philadelphia Police

27 (Pages 105 to 108)

THE WITNESS: To sit right here to say I can - no. I cannot recall. THE WITNESS: To sit right here to say I can - no. I cannot recall. Sy A. Ori if he dog is attacking someone elected in the company carlier today - a carlier was that you entered the property and walked past the dog and you saw the woman in the kitchen area prior to the dog being shot, correct? MR. ZURBRIGGEN: Object to form. Lieutenant. THE WITNESS: That's correct. BY MR. WEST: Q. So is it fair to infer that you did not see the attack, no. BY MR. WEST: MR. ZURBRIGGEN: Object to form. MR. ZURBRIGGEN: Objection. THE WITNESS: Idid not see the attack, no. BY MR. WEST: Page 110 O. Do you know personally whether or not the dog had attacked anyone before it got attack, no. BY MR. WEST: WEST: Page 110 Page 110 Page 110 Page 110 O. Because you knew that there was a likelihood the dog might naturally try to defend the premises once the door was breached, did you put any thought into putting any sort of measures in the cocupant, I guess Ms. Alvarado, stated that the entrance to the second floor, apartment is in the rear. Page 110 Page 110 O. Because you knew that there was a likelihood the dog might naturally try to defend the premises once the door was breached, did you put any thought into putting any sort of measures in the cocupant, I guess Ms. Alvarado, stated that the entrance to the second floor, apartment is in the cocupant, I guess Ms. Alvarado, stated that the entrance to the second floor apartment is mit the rear. Page 110 O. Do you recall anything that time? A. No, I don not. Dead of the fact of the dog might be able to be dealt with in such a way that didn't result in the dog's death? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: No, Locause often to secure the dog, the animal. Dead of the premises once the door was breached, did you put any to mit the work of the d		Page 109		Page 111
she is being attacked. Q. Okay. And I believe, sir, your testimony earlier tokay - A. Or if the dog is attacking someone else. Q. Okay. And I believe your testimony earlier twas that you enteed the property and walked past the dog and you saw the woman in the kitchen area prior to the dog being shot, correct? MR. ZURBRIGGEN: Object to form. Lieutenant. THE WITNESS: That's correct. BY MR. WEST: Q. So is it fair to infer that you did not actually see the shooting? A. No. I did not. Do you know personally whether or not the dog had attacked anyone before it got shot? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: I reference to the unit service report, it indicates that the occupant, I guess Ms. Alvarado, stated that the entrance to the second floor apartment is in the rear. Page 110 Q. Because you knew that there was a likelihood the dog might naturally try to defend time the dog's death? MR. ZURBRIGGEN: Object to form. Page 110 Page 110 Q. Because you knew that there was a likelihood the dog might naturally try to defend to be dealt with in such a way that didn't reall in the dog's death? MR. ZURBRIGGEN: Object to form. MR. ZURBRIGGEN: Object to form. Page 110	1	A. If he's being attacked. If he or	1	THE WITNESS: To sit right here to
4 testimony earlier today— 5 A. Or if the dog is attacking someone 6 else. 7 Q. Okay. And I believe your testimony 8 earlier was that you entered the property and 9 walked past the dog and you saw the woman in the 1 kitchen area prior to the dog being shot, correct? 1 MR. ZURBRIGGEN: Object to form. 1 Lieutenant. 1 THE WITNESS: That's correct. 1 BY MR. WEST: 2 Q. So is it fair to infer that you did 1 not actually see the shooting? 3 not the dog had attacked anyone before it got 2 shor? 4 No. I did not. 2 THE WITNESS: I did not see the 2 altack, no. 3 BY MR. WEST: 4 Q. Do you know personally whether or 1 not the dog had attacked anyone before it got 2 shor? 4 BY MR. WEST: 5 Q. Because you knew that there was a 2 likelihood the dog might naturally try to defend 4 the premises once the door was breached, did you 2 put any thought into putting any sort of measures 5 in place where the issue of the dog might be able 6 to be dealt with in such a way that didn't result 7 in the dog's death? 8 MR. ZURBRIGGEN: Object to form. 9 Lieutenant, you can answer, if you can. 1 THE WITNESS: I not see the 2 likelihood the dog might naturally try to defend 3 the premises once the door was breached, did you 2 put any thought into putting any sort of measures 5 in place where the issue of the dog might be able 6 to be dealt with in such a way that didn't result 1 in the dog's death? 9 MR. ZURBRIGGEN: Object to form. 1 Lieutenant, you can answer, if you can. 1 THE WITNESS: No, because often 1 times when we go in, the owner is able 2 to secure the dog's death? 1 G. Do you recall anything that 2 Ms. Alvarado sak for an opportunity to put her 1 dog in its cage? 2 A. No, I don't recall. 3 G. A. No, I don't recall. 4 O. Do you recall anything that 4 Ms. Alvarado sak for an opportunity to put her 1 dog in its cage? 4 A. No, I don't recall. 5 Ms.	2	_	2	_
testimony earlier today— A. Or if the dog is attacking someone else. Q. Okay. And I believe your testimony walked past the dog and you saw the woman in the kitchen area prior to the dog being shot, correct? MR. ZURBRIGGEN: Object to form. Lieutenant. THE WTINESS: That's correct. BY MR. WEST: O. So is it fair to infer that you did not actually see the shooting? A. No. I did not. MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WTINESS: I reference to the unit service report, it indicates that the cocupant, I guess Ms. Alvarado, stated that the entrance to the second floor apartment, and there was no way to get to the second floor. MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WTINESS: In reference to the unit service report, it indicates that the occupant, I guess Ms. Alvarado, stated that the entrance to the second floor apartment is in the rear. BY MR. WEST: Page 110 Q. Because you knew that there was a likelihood the dog might naturally try to defend to be death with in such a way that didn't result in the dog's death? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WTINESS: No, Latd not see the attack, no. BY MR. WEST: Page 110 Page 110 Page 111 Page 112 Page 110 Page 1	3	_	3	•
A. Or if the dog is attacking someone else. Q. Okay. And I believe your testimony earlier was that you entered the property and walked past the dog and you saw the woman in the kitchen area prior to the dog being shot, correct? MR. ZURBRIGGEN: Object to form. Lieutenant. THE WITNESS: That's correct. BY MR. WEST: Q. So is it fair to infer that you did not actually see the shooting? A. No, I did not. Q. Do you know personally whether or not the dog had attacked anyone before it got shot? MR. ZURBRIGGEN: Object to form. Lieutenant. Page 110 Q. Because you know personally whether or attack, no. BY MR. WEST: Page 110 Q. Because you knew that there was a likelihood the dog might naturally try to defend the premises once the door was breached, did you put any thought into putting any sort of measures in place where the issue of the dog might the able to be dealt with in such a way that didn't result in the dog's death? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: I did not see the likelihood the dog might naturally try to defend the premises once the door was breached, did you put any thought into putting any sort of measures in place where the issue of the dog might the able to be dealt with in such a way that didn't result in the dog's death? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: No, because often to secure the dog, the animal. MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: No pour reall that the premise would wait any out of the rear. Q. Do you recall that the rear door is located on a cul-de-sac? MR. ZURBRIGGEN: Object to form. MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: In reference to the the occupant, it indicates that the occupant is in the rear door is located that the entrance to the second floor and the exact of the dog might be able to be dealt with in such a way that didn't result in the dog's death? MR. ZURBRIGGEN: Object	4		4	Q. At what point did you realize that
educe was that you entered the property and walked past the dog and you saw the woman in the kitchen area prior to the dog being shot, correct? MR. ZURBRIGGEN: Object to form. Lieutenant. THE WITNESS: That's correct. BY MR. WEST: O. So is it fair to infer that you did not actually see the shooting? A. No, I did not. BY MR. ZURBRIGGEN: Object to form. It il into dog had attacked anyone before it got shor? MR. ZURBRIGGEN: Object to form. THE WITNESS: In reference to the unit service report, it indicates that the occupant, I guess Ms. Alvarado, stated that the entrance to the second floor apartment is in the rear. Page 110 Q. Because you knew that there was a likelihood the dog might naturally try to defend to be dealt with in such a way that didn't result in the dog's death? MR. ZURBRIGGEN: Object to form. THE WITNESS: In reference to the unit service report, it indicates that the eccupant, I guess Ms. Alvarado, stated that the entrance to the second floor apartment is in the rear. Page 110 Page 110 Page 110 Q. Because you knew that there was a likelihood the dog might naturally try to defend to be dealt with in such a way that didn't result in the dog's death? MR. ZURBRIGGEN: Object to form. It immess when we go in, the owner is able to be dealt with in such a way that didn't result in the dog's death? MR. ZURBRIGGEN: Object to form. THE WITNESS: In reference to the unit service report, it indicates that the eccupant, I guess Ms. Alvarado, stated that the entrance to the second floor apartment is in the rear. Page 110 Page 110 Page 110 Page 112 O. Do you recall that the rear door is located on a cul-de-see? MR. ZURBRIGGEN: Object to form. He WITNESS: No, because often that the rear door is located on a cul-de-see? MR. ZURBRIGGE	5		5	
earlier was that you entered the property and walked past the dog and you saw the woman in the kitchen area prior to the dog being shot, correct? MR. ZURBRIGGEN: Object to form. Lieutenant. THE WITNESS: That's correct. BY MR. WEST: Do So is it fair to infer that you did not actually see the shooting? A. No, I did not. MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: Idid not see the altack, no. MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: Idid not see the altack, no. MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. Page 110 Q. Because you knew that there was a likelihood the dog might naturally try to defend the premises once the door was breached, did you put any thought into putting any sort of measures in place where the issue of the dog might be able to be dealt with in such a way that didn't result in the dog's death? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. Page 110 Pa	6		6	
s carlier was that you entered the property and waked past the dog and you saw the woman in the kitchen area prior to the dog being shot, correct? MR. ZURBRIGGEN: Object to form. Lieutenant. THE WITNESS: That's correct. BY MR. WEST: O. So is it fair to infer that you did not actually see the shooting? A. No, I did not. O. Do you know personally whether or not the dog had attacked anyone before it got shot? MR. ZURBRIGGEN: Object to form. THE WITNESS: In reference to the unit service report, it indicates that the occupant, I guess Ms. Alvarado, stated that the entrance to the second floor apartment is in the rear. Page 110 Q. Because you knew that there was a likelihood the dog might naturally try to defend the premises once the door was breached, did you put any thought into putting any sort of measures in place where the issue of the dog might be able to be dealt with in such a way that didn't result in the dog's death? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. Page 110 Q. Because you knew that there was a likelihood the dog might naturally try to defend the premises once the door was breached, did you put any thought into putting any sort of measures in place where the issue of the dog might be able to be dealt with in such a way that didn't result in the dog's death? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: No, I don't remember that. THE WITNESS: No, I don't remember that. Am I correct to understand that your practice would actually shorten the amount of time you would wait between knocking and announcing at a property and entering the property? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. THE WITNESS: No, I don't remember that. Am I correct to understand that your practice would actually shorten the amount of time you would wait between knocking and announcing at a property and entering the property? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. Am I correct to understand that you	7	O. Okay. And I believe your testimony	7	the first floor apartment, and there was no way to
walked past the dog and you saw the woman in the kitchen area prior to the dog being shot, correct? MR. ZURRIGGEN: Object to form.	8		8	get to the second floor.
kitchen area prior to the dog being shot, correct? MR. ZURBRIGGEN: Object to form. Lieutenant. THE WITNESS: That's correct. BY MR. WEST: Q. So is it fair to infer that you did not actually see the shooting? A. No, I did not. MR. ZURBRIGGEN: Object to form. MR. ZURBRIGGEN: Object to form. Lieutenant. MR. ZURBRIGGEN: Object to form. Page 110 Page 110	9		9	Q. How long did that take?
11 MR. ZURBRIGGEN: Object to form. 12 Lieutenant. 13 THE WITNESS: That's correct. 14 BY MR. WEST: 15 Q. So is it fair to infer that you did 16 not actually see the shooting? 17 A. No, I did not. 18 Q. Do you know personally whether or not the dog had attacked anyone before it got 20 shor? 21 MR. ZURBRIGGEN: Objection. 22 THE WITNESS: I did not see the attack, no. 24 BY MR. WEST: Page 110 Page 110 Page 110 Page 110 Page 112 Trecalled that, but we reform back outside the property and walk around to the rear. Q. Do you recall that the rear door is located on a cul-de-sac? MR. ZURBRIGGEN: Object to form. 15 in place where the issue of the dog might be able to be dealt with in such a way that didn't result in the dog's death? MR. ZURBRIGGEN: Object to form. 10 THE WITNESS: No, because often times when we go in, the owner is able to secure the dog, the animal. 11 O Secure the dog, the animal. 12 BY MR. WEST: 13 BY MR. WEST: Page 110 Page 110 Page 112 Page 110 Page 110 Page 110 Page 112 Page 110 Page	10		10	MR. ZURBRIGGEN: Object to form.
Lieutenant. THE WITNESS: That's correct. BY MR. WEST: Q. So is it fair to infer that you did not actually see the shooting? A. No, I did not. Q. Do you know personally whether or not the dog had attacked anyone before it got shor? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: In reference to the unit service report, it indicates that the occupant, I guess Ms. Alvarado, stated that the entrance to the second floor apartment is in the rear. BY MR. WEST: Page 110 Q. Because you knew that there was a likelihood the dog might naturally try to defend to be dealt with in such a way that didn't result in the dog's death? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. Page 110 Page 110 Page 110 Page 112 recalled that, but we reform back outside the property and walk around to the rear. Q. Do you recall that the rear door is located on a cul-de-sac? MR. ZURBRIGGEN: Object to form, but Lieutenant, you can answer, if you can. THE WITNESS: No, because often times when we go in, the owner is able to secure the dog, the animal. BY MR. WEST: MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: No, I don't recall. MR. ZURBRIGGEN: Object to form. BY MR. WEST: MR. ZURBRIGGEN: Object to form. BY MR. WEST: A. No, I don't recall. MR. ZURBRIGGEN: Object to form. BY MR. WEST: A. No, I don't recall. MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. MR. ZURBRIGGEN: Object to form. MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer. MR. ZURBRIGGEN: O	11		11	THE WITNESS: About four minutes,
THE WITNESS: That's correct. BY MR. WEST: Q. So is it fair to infer that you did not actually see the shooting? A. No, I did not. Q. Do you know personally whether or ont the dog had attacked anyone before it got shot? THE WITNESS: In reference to the unit service report, it indicates that the occupant, I guess Ms. Alvarado, stated that the entrance to the second floor apartment is in the rear. BY MR. WEST: Page 110 Page 11	12	-	12	three or four minutes.
BY MR. WEST: Q. So is it fair to infer that you did not actually see the shooting? A. No, I did not. R. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. Page 110 Page 110 Q. Because you knew that there was a likelihood the dog might naturally try to defend the premises once the dog where the issue of the dog might be able to be dealt with in such a way that didn't result in the dog's death? MR. ZURBRIGGEN: Objection. THE WITNESS: I did not see the attack, no. Page 110 Page 110 Page 110 Page 112 Page 112 Page 112 Page 110 Page 112 Page 115 MR. ZURBRIGGEN: Object to form. Page 116 Page 117 A. Her saying that, I can't say I Page 119 Page 110 Page 110 Page 112 Page 110 Page 112 Page	13		13	BY MR. WEST:
16 not actually see the shooting? 17 A. No, I did not. 18 Q. Do you know personally whether or not the dog had attacked anyone before it got shot? 20 shot? 21 MR. ZURBRIGGEN: Objection. 22 THE WITNESS: I did not see the attack, no. 23 attack, no. 24 BY MR. WEST: Page 110 Page 110 Q. Because you knew that there was a likelihood the dog might naturally try to defend put any thought into putting any sort of measures in place where the issue of the dog might be able to be dealt with in such a way that didn't result in the dog's death? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: No, because often the word and power is able to secure the dog, the animal. BY MR. WEST: Page 110 Page 112 Page 112 recalled that, but we reform back outside the property and walk around to the rear. Q. Do you recall that the rear door is located on a cul-de-sac? MR. ZURBRIGGEN: Object to form. Lieutenant, you can answer, if you can. THE WITNESS: No, loan't remember that. BY MR. WEST: WR. WEST: BY MR. WEST: Q. Do you recall anything that MR. Alvarado ask for an opportunity to put her dog in its cage? A. No, I don't recall. Q. Did you at any point hear MS. Alvarado ask for an opportunity that M	14		14	Q. And then what happened?
16 not actually see the shooting? 17 A. No, I did not. 18 Q. Do you know personally whether or 19 not the dog had attacked anyone before it got 20 shot? 21 MR. ZURBRIGGEN: Objection. 22 THE WITNESS: I did not see the 23 attack, no. 24 BY MR. WEST: Page 110 Page 110 Q. Because you knew that there was a 2 likelihood the dog might naturally try to defend 4 put any thought into putting any sort of measures 5 in place where the issue of the dog might be able 6 to be dealt with in such a way that didn't result 7 in the dog's death? MR. ZURBRIGGEN: Object to form. 2 Lieutenant, you can answer, if you can. 3 MR. ZURBRIGGEN: Object to form. 4 Lieutenant, you can answer, if you can. 4 THE WITNESS: No, because often 5 times when we go in, the owner is able 6 to secure the dog, the animal. 6 Q. Did you at any point hear 6 Q. Did you at any point hear 6 Q. Did you at any point hear 14 Q. Did you at any point hear 15 Ms. Alvarado ask for an opportunity to put her 16 dog in its cage? 17 A. No, I don't recall. 18 Q. Do you recall anything that 19 Ms. Alvarado said that entire day? 20 MR. ZURBRIGGEN: Object to form. 21 Lieutenant, you can answer. 22 A. No, I do not. 23 Lieutenant, you can answer. 24 Lieutenant, you can answer. 25 In reference to the second floor apartment is in the rear. 26 Page 110 Page 110 Page 112 recalled that, but we reform back outside the property and walk around to the rear. 29 Q. Do you recall that the rear door is located on a cul-de-sac? 30 MR. ZURBRIGGEN: Object to form. 31 MR. ZURBRIGGEN: Object to form. 32 MR. WEST: 33 MR. WEST: 44 D. Did you at any point hear 45 MS. Alvarado ask for an opportunity to put her 46 dog in its cage? 46 MR. ZURBRIGGEN: Object to form. 47 MR. ZURBRIGGEN: Object to form. 48 MS. Alvarado was saying at that time? 49 MS. Alvarado said that entire day? 40 Do you recall anything that 41 MS. Alvarado said that entire day? 41 MR. ZURBRIGGEN: Object to form. 41 Lieutenant, you can answer. 42 MR. ZURBRIGGEN: Object to form. 43 Lieutenant, you can answer. 44 In the worth we	15	O. So is it fair to infer that you did	15	MR. ZURBRIGGEN: Object to form.
17 A. No, I did not. 18 Q. Do you know personally whether or not the dog had attacked anyone before it got shot? 20 shot? 21 MR. ZURBRIGGEN: Objection. 22 THE WITNESS: I did not see the attack, no. 23 BY MR. WEST: 24 BY MR. WEST: 25 Page 110 26 Page 110 27 Page 110 28 Page 110 29 Page 110 20 Page 110 21 Page 110 22 Page 110 23 Q. Do you recall that happening? 24 A. Her saying that, I can't say I 25 Page 110 26 Page 110 27 Page 110 28 Page 110 29 Page 110 20 Page 110 21 Page 112 22 Page 110 23 Page 110 24 Page 110 25 Page 110 26 Page 110 27 Page 110 28 Page 110 29 Page 110 20 Do you recall that happening? 21 Page 110 22 Page 110 23 Page 110 24 Page 110 25 Page 110 26 Page 110 27 Page 110 28 Page 110 29 Page 110 20 Do you recall that happening? 21 Page 110 20 Do you recall that the rear. 21 Page 110 22 Page 110 23 Page 110 24 Page 110 25 Page 110 26 Page 110 27 Page 110 28 Page 110 29 Page 110 20 Do you recall that the rear door is located on a cul-de-sac? 30 Po you recall that the rear door is located on a cul-de-sac? 40 Page 110 41 Page 110 42 Page 110 43 Page 110 44 Page 110 45 Page 110 46 Page 110 46 Page 110 47 Page 110 48 Page 110 49 Page 110 40 Page 110 40 Page 110 41 Page 110 41 Page 110 42 Page 110 43 Page 110 44 Page 110 45 Page 110 46 Page 110 46 Page 110 46 Page 110 47 Page 110 48 Page 110 49 Page 110 40 Page 110 40 Page 110 41 Page 110 41 Page 110 42 Page 110 41 Page 110 42 Page 110 43 Page 110 44 Page 110 45 Page 110 46 Page 110 46 Page 110 46 Page 110 46 Page 110 47 Page 110 48 Page 110 49 Page 110 40 Page 110 40 Page 110 41 Page 110 41 Page 110 42 Page 110 41 Page 110 42 Page 110 43 Page 110 44 Page 110 45 Page 110 46 Page 110 46 Page 110 46 Page 110 47 Page 110 48 Page 110 49 Page 110 40 Page 110 41 Page 110 41 Page 110 41 Page 110 41 Page 110 42 Page 110 41 Page 110 42 Page 110 42 P	16		16	Lieutenant, you can answer, if you can.
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Page 113 Page 115 1 1 and we go in and give a good knock on training, from the Philadelphia Police Department, 2 2 the individual apartment door. that would tell you that if you're planning to 3 BY MR. WEST: 3 breach a property and you can hear that there's a 4 Sir, you did say that hearing the 4 dog inside the property, you should make a plan on 5 dogs barking was one of the factors as to why the 5 how to deal with the likelihood of a dog encounter 6 property was breached when it was breached, 6 before breaching that property, correct? 7 correct? 7 MR. ZURBRIGGEN: Object to form. 8 MR. ZURBRIGGEN: Object to form. 8 Lieutenant. 9 Lieutenant, you can answer. 9 THE WITNESS: That's correct. 10 THE WITNESS: Yes, because again 10 MR. WEST: I have no further 11 that raises the awareness of the 11 questions. Thank you. 12 occupants inside and I didn't hear any 12 13 humans. 13 **EXAMINATION** 14 BY MR. WEST: 14 15 Did it ever occur to you that you O. 15 BY MR. ZURBRIGGEN: 16 should allow more time than normal before Lieutenant, I'll just have some 16 17 breaching a property, if you hear that there are 17 very brief questions for you. I want to ask you, 18 dogs inside? 18 would you just describe, Lieutenant, for the 19 MR. ZURBRIGGEN: Object to form. 19 record, the firearms that the members in your unit 20 Lieutenant, you can answer. 20 had on that date? 21 THE WITNESS: With the structure, 21 A. Our primary firearm is the SIG 22 no, I did not. 22 Sauer 400. It's an AR15 type rifle. That's our 23 BY MR. WEST: 23 primary weapon. Our secondary weapon is our 24 I don't mean just the specific 24 handgun, a Glock 17. Page 114 Page 116 1 1 structure. I just mean generally as far as the The rifle, how is that held? Is Q. 2 2 practices that you follow as a member of the SWAT that held with two hands? 3 Unit. Did it ever occur to you that if you hear a 3 Yes. A. 4 4 And all of the members of the entry dog inside you, for example, maybe need to make a Q. 5 5 plan as to how you're gonna deal with the dog team are equipped with that weapon? 6 6 before you breach the property, so that might A. 7 7 actually be a reason to take a little bit more Q. Now, Lieutenant, I think you had 8 8 time before entering? said that you all were executing a warrant for a 9 9 MR. ZURBRIGGEN: Object to form. homicide suspect, is that correct? 10 10 THE WITNESS: No, we do not do A. Yes. 11 11 that. Q. Were you -- strike that question. 12 BY MR. WEST: 12 Was it your understanding that this suspect was 13 13 Q. And certainly no training or a dangerous? 14 14 policy or procedure coming down from the A. Yes. 15 15 Philadelphia Police Department about giving Q. Lieutenant, I just want to direct 16 yourself time to formulate a plan on how to deal 16 your attention back to what's been marked 17 17 with the dog, if you hear that there's a dog on previously as Monk-1, I believe, and 1A as well. 18 18 the property, correct? This is the photograph of the front door, sir. If 19 19 MR. ZURBRIGGEN: Object to form. you could just take a look. The markings on this 20 2.0 front door are 4664; is that correct? Lieutenant, you can answer. 21 21 THE WITNESS: I'm sorry. Repeat A. Yes. 22 22 that again, please. Q. Do you recall any markings on that 23 BY MR. WEST: 23 front door that would have led you to believe that 24 24 behind that front door there was not an entrance Q. There's no policy, procedure or

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	Page 117		Page 119
1	to the second floor apartment?	1	Q. Right. Based on your understanding
2	A. No.	2	of what sort of reconnaissance was required prior
3	Q. Is there anything there that	3	to executing a warrant, was it your understanding
4	indicates to you that that is the entrance	4	that you were allowed to breach the front door
5	exclusively to the first floor apartment?	5	just based on the possibility that that door might
6	A. I'm sorry?	6	possibly lead to somewhere where you were legally
7	Q. Let me rephrase that. It was	7	allowed to be?
8	poorly phrased. Does anything on the entrance,	8	MR. ZURBRIGGEN: Object to form.
9	that you can see here in this picture, indicate to	9	Lieutenant, you can answer.
10	you that that is an entrance only to the first	10	THE WITNESS: That's correct.
11	floor apartment and not to the second floor	11	BY MR. WEST:
12	apartment?	12	Q. And there was no higher standard
13	A. No.	13	required, to your knowledge, than mere
14	Q. Now, I believe you testified	14	possibility, correct?
15	earlier that you did not know what was behind that	15	MR. ZURBRIGGEN: Object to form.
16	front door. Is it possible that behind that front	16	Lieutenant, you can answer.
17	door there could have been a hallway?	17	THE WITNESS: Departmentally a
18	MR. WEST: Object to the form of	18	higher standard established?
19	the question.	19	BY MR. WEST:
20	THE WITNESS: Yes.	20	Q. Sure. Was there any higher
21	BY MR. ZURBRIGGEN:	21	requirement implemented by the Philadelphia Police
22	Q. Is it possible that when you	22	Department, to your knowledge, for breaching
23	entered into that front door, that you see there	23	someone's front door, other than mere possibility
24	in Monk-1, that you would have found a hallway	24	that that door might lead to a residence where you
	Page 118		Page 120
1	leading up to the second floor apartment?	1	were legally allowed to be?
2	A. Yes.	2	MR. ZURBRIGGEN: Object to form
3	Q. Is that what you believed when you	3	Lieutenant, you can answer, if you can.
4	entered that front door?	4	THE WITNESS: Not that I am aware
5	A. That's correct.	5	of.
6 7	MR. ZURBRIGGEN: That's all the	6	MR. WEST: Okay. Thank you, sir.
8	questions I have, unless Keith has any	7	MR. ZURBRIGGEN: No follow-ups.
9	follow-up questions.	8 9	Lieutenant, thank you very much for your
10	MR. WEST: I guess I do.	10	time. VIDEOCRAPHED: Lam stopping our
11	EXAMINATION	11	VIDEOGRAPHER: I am stopping our recording at 12:38 p.m.
12	LAMINATION	12	recording at 12.30 p.m.
13	BY MR. WEST:	13	(Whereupon, the deposition
14	Q. Is that the standard, as you	14	concluded at 12:38 p.m.)
15	understand it, of reconnaissance that the	15	
16	Philadelphia Police Department would follow as of	16	
17	June 2021, that you could breach a door if it was	17	
18	possible that the door led somewhere you were	18	
19	allowed to go?	19	
20	MR. ZURBRIGGEN: Object to form.	20	
21	Lieutenant, you can answer.	21	
22	THE WITNESS: I'm sorry. Can you	22	
23	repeat that question again, please?	23	
1			
24	BY MR. WEST:	24	

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1 2 2 3 3 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4
I, DAWN M. BURR, hereby certify that the foregoing is a true and correct transcript transcribed from the stenographic notes taken by me on Friday, May 19, 2023. DAWN M. BURR Shorthand Reporter (This certification does not apply to any reproduction of this transcript, unless under the direct supervision of the certifying reporter.)

	118:19 119:4,7	24.11 10 25.6	101:19 102:12	74.16 10 75.5
<u>A</u>	,	34:11,18 35:6		74:16,19 75:5
A-S-P 106:13,14	120:1	35:16,23 36:7	103:24 104:8	75:10,11,21
a.m 1:18 4:23	allowing 83:10	36:11,18 37:17	105:13 106:21	78:10,18 86:1
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EXHIBIT "O"

Transcript of the Testimony of: **SERGEANT KEVIN MELLODY**

Date: October 11, 2023

Case: Alvarado v. City of Philadelphia, et al

DIAMOND COURT REPORTING 406 REDBUD LANE MANTUA, NEW JERSEY 08051 856-589-1107 dcr.diamond@comcast.net

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	e-mail: dcr.diamond@comcast.net		Mellody-14 Color Photocopy of Photograph 123
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1 2	APPEARANCES:	1	
2	VICTIM RECOVERY LAW CENTER BY: KEITH T. WEST, ESQUIRE	2	(It was stipulated by and between
3	THE NORTH AMERICAN BUILDING	3	counsel that signing, sealing,
	121 SOUTH BROAD STREET	4	certification and filing be waived; and
4	SUITE 1800	5	that all objections, except as to the
5	PHILADELPHIA, PENNSYLVANIA 19107 Counsel for the Plaintiff	6	form of the question, be reserved until
J	Tel. (215) 546-1433	7	the time of trial.)
6	E-mail: keith@victimrecoverylaw.com	8	,
7	*****	9	THE VIDEOTAPE OPERATOR: This is
8	CITY OF PHILADELPHIA LAW DEPARTMENT BY: ADAM R. ZURBRIGGEN, ESQUIRE	10	the deposition of Sergeant Kevin
9	ONE PARKWAY BUILDING	11	Mellody, Badge Number 285. This is the
	1515 ARCH STREET	12	
10	14TH FLOOR		audio/video deposition for use at trial
11	PHILADELPHIA, PENNSYLVANIA 19102	13	in the matter of Felishatay Alvarado
11	Counsel for the Defendants Tel. (215) 683-5114	14	versus the City of Philadelphia, et.
12	E-mail: adam.zurbriggen@phila.gov	15	al., Philadelphia Court of Common Pleas,
13	****	16	Docket Number 220601633.
14		17	And I'm the video operator. My
15 16		18	name is Courtney Kitcherman. And I'm
17		19	employed by the Victims' Recovery Law
18	ALSO PRESENT:	20	
19	COURTNEY KITCHERMAN - THE VIDEOTAPE OPERATOR	21	
20			
23			
24		24	2023 at 11.00 a.iii.
19 20 21 22 23			Center. My address is 121 South Broad Street, 18th Floor, Philadelphia, Pennsylvania 19107. Today's date is October 11th of 2023 at 11:06 a.m.

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1	This deposition is being performed	1	works.
2	in person.	2	You've had a chance to confer with
3	The witness being deposed today is	3	your attorney and you're prepared to go forward at
4	Sergeant Kevin Mellody, Badge Number	4	this time; correct?
5	285.	5	A. Correct.
6	This deposition is being taken on	6	Q. Are you under the influence of any
7	behalf of the plaintiff, Felishatay	7	sort of medication, substance, illness, anything
8	Alvarado.	8	that will impair your ability to testify
9	The officer taken in this	9	truthfully today?
10	deposition is Douglas Diamond. And he	10	A. No.
11	will swear the witness in at this time:	11	Q. All right. So, as I'm sure your
12		12	attorney has advised you, your only obligation
13	SERGEANT KEVIN MELLODY, having	13	today is to give truthful testimony based on your
14	been duly sworn, as a witness, was	14	personal knowledge. So we're not going to ask for
15	examined and testified as follows	15	you to guess or speculate. Okay?
16		16	A. Okay.
17	EXAMINATION	17	Q. On the other hand, we would like to
18		18	know everything that you do know. If you aren't
19	BY MR. WEST:	19	100 percent sure of the answer to any question
20	Q. All right. Good morning, Sergeant	20	you've given, but you believe that you can give an
21	Mellody. My name is Keith West. And I'm one of	21	estimate or an approximation, that's perfectly
22	the attorneys representing the plaintiff in this	22	fine. Just let us know that you are giving an
23	matter, Ms. Alvarado. And just preliminary	23	estimate or approximation. Okay?
24	questions we ask in every deposition.	24	A. Okay.
	4		y.
	Page 6		Page 8
1	Have you ever been in a deposition	1	Q. This is not intended to be an
2	before?		
		2	unnecessarily uncomfortable process. So if at any
3	A. Yes.	3	unnecessarily uncomfortable process. So if at any time you need to take a break, you want to use the
3 4	A. Yes.Q. Okay. So how many times have you		
		3	time you need to take a break, you want to use the
4	Q. Okay. So how many times have you	3 4	time you need to take a break, you want to use the rest room, you want a cup of coffee, something like that, just let us know. Okay? A. Okay.
4 5	Q. Okay. So how many times have you been deposed prior to this?	3 4 5	time you need to take a break, you want to use the rest room, you want a cup of coffee, something like that, just let us know. Okay?
4 5 6	Q. Okay. So how many times have you been deposed prior to this?A. Probably like maybe one or two.	3 4 5 6	time you need to take a break, you want to use the rest room, you want a cup of coffee, something like that, just let us know. Okay? A. Okay. Q. Similarly, we're not trying to confuse you with our questions. So if I ask you
4 5 6 7 8 9	 Q. Okay. So how many times have you been deposed prior to this? A. Probably like maybe one or two. Q. Okay. And what were those cases about? A. Last time it was probably like 20 	3 4 5 6 7 8 9	time you need to take a break, you want to use the rest room, you want a cup of coffee, something like that, just let us know. Okay? A. Okay. Q. Similarly, we're not trying to confuse you with our questions. So if I ask you any questions that you have trouble understanding
4 5 6 7 8 9	 Q. Okay. So how many times have you been deposed prior to this? A. Probably like maybe one or two. Q. Okay. And what were those cases about? A. Last time it was probably like 20 years ago. I probably couldn't even tell you. 	3 4 5 6 7 8 9	time you need to take a break, you want to use the rest room, you want a cup of coffee, something like that, just let us know. Okay? A. Okay. Q. Similarly, we're not trying to confuse you with our questions. So if I ask you any questions that you have trouble understanding and you need me to speak slower, louder, possibly
4 5 6 7 8 9 10	 Q. Okay. So how many times have you been deposed prior to this? A. Probably like maybe one or two. Q. Okay. And what were those cases about? A. Last time it was probably like 20 years ago. I probably couldn't even tell you. Q. Okay. What was that case about? 	3 4 5 6 7 8 9 10	time you need to take a break, you want to use the rest room, you want a cup of coffee, something like that, just let us know. Okay? A. Okay. Q. Similarly, we're not trying to confuse you with our questions. So if I ask you any questions that you have trouble understanding and you need me to speak slower, louder, possibly rephrase the question, just let us know and we'll
4 5 6 7 8 9 10 11	 Q. Okay. So how many times have you been deposed prior to this? A. Probably like maybe one or two. Q. Okay. And what were those cases about? A. Last time it was probably like 20 years ago. I probably couldn't even tell you. Q. Okay. What was that case about? A. Just a car stop. And somehow it 	3 4 5 6 7 8 9 10 11	time you need to take a break, you want to use the rest room, you want a cup of coffee, something like that, just let us know. Okay? A. Okay. Q. Similarly, we're not trying to confuse you with our questions. So if I ask you any questions that you have trouble understanding and you need me to speak slower, louder, possibly rephrase the question, just let us know and we'll try to ask the question in a way you do understand
4 5 6 7 8 9 10 11 12 13	Q. Okay. So how many times have you been deposed prior to this? A. Probably like maybe one or two. Q. Okay. And what were those cases about? A. Last time it was probably like 20 years ago. I probably couldn't even tell you. Q. Okay. What was that case about? A. Just a car stop. And somehow it turned into a lawsuit.	3 4 5 6 7 8 9 10 11 12 13	time you need to take a break, you want to use the rest room, you want a cup of coffee, something like that, just let us know. Okay? A. Okay. Q. Similarly, we're not trying to confuse you with our questions. So if I ask you any questions that you have trouble understanding and you need me to speak slower, louder, possibly rephrase the question, just let us know and we'll try to ask the question in a way you do understand it. Okay?
4 5 6 7 8 9 10 11 12 13 14	Q. Okay. So how many times have you been deposed prior to this? A. Probably like maybe one or two. Q. Okay. And what were those cases about? A. Last time it was probably like 20 years ago. I probably couldn't even tell you. Q. Okay. What was that case about? A. Just a car stop. And somehow it turned into a lawsuit. Q. Were you a defendant in that case?	3 4 5 6 7 8 9 10 11 12 13 14	time you need to take a break, you want to use the rest room, you want a cup of coffee, something like that, just let us know. Okay? A. Okay. Q. Similarly, we're not trying to confuse you with our questions. So if I ask you any questions that you have trouble understanding and you need me to speak slower, louder, possibly rephrase the question, just let us know and we'll try to ask the question in a way you do understand it. Okay? A. Okay.
4 5 6 7 8 9 10 11 12 13 14	Q. Okay. So how many times have you been deposed prior to this? A. Probably like maybe one or two. Q. Okay. And what were those cases about? A. Last time it was probably like 20 years ago. I probably couldn't even tell you. Q. Okay. What was that case about? A. Just a car stop. And somehow it turned into a lawsuit. Q. Were you a defendant in that case? A. Probably.	3 4 5 6 7 8 9 10 11 12 13 14 15	time you need to take a break, you want to use the rest room, you want a cup of coffee, something like that, just let us know. Okay? A. Okay. Q. Similarly, we're not trying to confuse you with our questions. So if I ask you any questions that you have trouble understanding and you need me to speak slower, louder, possibly rephrase the question, just let us know and we'll try to ask the question in a way you do understand it. Okay? A. Okay. Q. All right. So this lawsuit
4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Okay. So how many times have you been deposed prior to this? A. Probably like maybe one or two. Q. Okay. And what were those cases about? A. Last time it was probably like 20 years ago. I probably couldn't even tell you. Q. Okay. What was that case about? A. Just a car stop. And somehow it turned into a lawsuit. Q. Were you a defendant in that case? A. Probably. Q. Okay. And where were you	3 4 5 6 7 8 9 10 11 12 13 14 15	time you need to take a break, you want to use the rest room, you want a cup of coffee, something like that, just let us know. Okay? A. Okay. Q. Similarly, we're not trying to confuse you with our questions. So if I ask you any questions that you have trouble understanding and you need me to speak slower, louder, possibly rephrase the question, just let us know and we'll try to ask the question in a way you do understand it. Okay? A. Okay. Q. All right. So this lawsuit involves a warrant enforcement action which
4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Okay. So how many times have you been deposed prior to this? A. Probably like maybe one or two. Q. Okay. And what were those cases about? A. Last time it was probably like 20 years ago. I probably couldn't even tell you. Q. Okay. What was that case about? A. Just a car stop. And somehow it turned into a lawsuit. Q. Were you a defendant in that case? A. Probably. Q. Okay. And where were you A. That's the only one I remember, to	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	time you need to take a break, you want to use the rest room, you want a cup of coffee, something like that, just let us know. Okay? A. Okay. Q. Similarly, we're not trying to confuse you with our questions. So if I ask you any questions that you have trouble understanding and you need me to speak slower, louder, possibly rephrase the question, just let us know and we'll try to ask the question in a way you do understand it. Okay? A. Okay. Q. All right. So this lawsuit involves a warrant enforcement action which occurred on June 4th of 2021 on Torresdale Avenue.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Okay. So how many times have you been deposed prior to this? A. Probably like maybe one or two. Q. Okay. And what were those cases about? A. Last time it was probably like 20 years ago. I probably couldn't even tell you. Q. Okay. What was that case about? A. Just a car stop. And somehow it turned into a lawsuit. Q. Were you a defendant in that case? A. Probably. Q. Okay. And where were you A. That's the only one I remember, to be honest with you.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	time you need to take a break, you want to use the rest room, you want a cup of coffee, something like that, just let us know. Okay? A. Okay. Q. Similarly, we're not trying to confuse you with our questions. So if I ask you any questions that you have trouble understanding and you need me to speak slower, louder, possibly rephrase the question, just let us know and we'll try to ask the question in a way you do understand it. Okay? A. Okay. Q. All right. So this lawsuit involves a warrant enforcement action which occurred on June 4th of 2021 on Torresdale Avenue. Do you have any recollection of
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	Page 9		Page 11
1	of the SWAT unit typical, in your experience?	1	A. It's my internal affairs interview.
2	MR. ZURBRIGGEN: Objection to the	2	Q. Okay. So you had a chance to read
3	form.	3	your statement.
4	But, Sergeant, you can answer.	4	Did you see any video?
5	THE WITNESS: No, there was nothing	5	A. No.
6	out of the ordinary.	6	Q. Did you see any photographs or any
7	BY MR. WEST:	7	other written materials?
8	Q. Okay. And, to the best of your	8	A. No.
9	information, were all of the policies and	9	Q. All right. Let's start with your
10	procedures of the Philadelphia Police Department	10	statement. I'm sure I have it somewhere.
11		11	MR. WEST: All right. Doug, if we
12	A. What was that word, all of the?	12	can mark this document as Mellody-1?
13	Q. Policies?	13	
14	A. Okay.	14	(Whereupon, Exhibit Mellody-1 was
15	Q. So, to the best of your	15	marked for identification.)
16	understanding, were all of the policies and	16	-
17		17	MR. WEST: Adam, do you need a
	procedures of the Philadelphia Police Department	18	copy?
18	followed by the SWAT unit that day?	19	MR. ZURBRIGGEN: I don't. Thank
19	A. I believe so.	20	you.
20	MR. ZURBRIGGEN: Same objection to	21	BY MR. WEST:
21	the form.	22	Q. All right. Sir, so if you could
22	BY MR. WEST:	23	take a moment to review that?
23	Q. Okay. Was there anything that you	24	A. (Witness complies.)
24	saw or observed as part of the warrant enforcement		(
	D 10		
	Page 10		Page 12
1	action at 4664 Torresdale Avenue that in any way	1	Page 12 Q. And is this the statement that you
1 2		1 2	
	action at 4664 Torresdale Avenue that in any way		Q. And is this the statement that you
2	action at 4664 Torresdale Avenue that in any way was inconsistent with the training that you	2	Q. And is this the statement that you reviewed in anticipation for today's testimony?
2	action at 4664 Torresdale Avenue that in any way was inconsistent with the training that you received from the Philadelphia Police Department?	2 3	Q. And is this the statement that you reviewed in anticipation for today's testimony? A. No. This is from the shooting
2 3 4	action at 4664 Torresdale Avenue that in any way was inconsistent with the training that you received from the Philadelphia Police Department? A. No.	2 3 4	Q. And is this the statement that you reviewed in anticipation for today's testimony? A. No. This is from the shooting investigation team.
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2 3 4 5 6	action at 4664 Torresdale Avenue that in any way was inconsistent with the training that you received from the Philadelphia Police Department? A. No. MR. ZURBRIGGEN: Same objection, Sergeant.	2 3 4 5 6	Q. And is this the statement that you reviewed in anticipation for today's testimony? A. No. This is from the shooting investigation team. Q. Okay. You have a copy of the document, I think, there.
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	Page 13		Page 15
1	recognized as being inaccurate or incomplete?	1	form.
2	A. No.	2	Sergeant, you can answer.
3	Q. Okay. Are the statements that you	3	THE WITNESS: You could say that.
4	gave, which are recorded in this document,	4	BY MR. WEST:
5	consistent with your recollection of the events	5	Q. Now, did the SWAT unit conduct
6	today?	6	reconnaissance of the property prior to executing
7	A. Yes.	7	the search and arrest warrant for 4664 Torresdale
8	Q. All right. Sir, so if you look at	8	Avenue?
9	the second page of this document, which is Bates	9	A. Yes.
10	Stamped as 62, when you look at the second	10	Q. Who did that; if you know?
11	question and answer, it says, what information	11	A. I did.
12	prior to executing the search warrant, search	12	Q. Did you do it with anyone else?
13	arrest warrant, for a suspect at 4664 Torresdale	13	A. Officer Clark.
14	Avenue?	14	Q. Okay. All right.
15	And the answer is just the arrest	15	Well, what did you do,
16	and search warrant.	16	specifically?
17	Do you see that?	17	A. Basically we go out and look at the
18	A. Yes.	18	location. We look at staging area locations, the
19	Q. Is that accurate?	19	rest of the property. We look at doors, windows,
20	A. Yes.	20	floors, side windows, how the rear is, and then
21	Q. Isn't it true that you conducted a	21	hospital routes to hospitals.
22	reconnaissance of the property prior to the	22	_
23	enforcement?		Q. Okay. Did you do a personal
24	A. Yes.	23	inspection of the property?
		24	A. As best as we can without getting
	Page 14		Page 16
1	Q. Okay. So wouldn't it be more	1	tipping off the people at the location.
2	accurate to say that you had the search and arrest	2	Q. Did you do a personal inspection of
3	warrant and the fruits of your reconnaissance?	3	the property at 4664 Torresdale Avenue?
4	MR. ZURBRIGGEN: Objection to the	4	A. You could say I did, yes.
5	form of the question.	5	Q. Did you or did you not?
6	But, Sergeant, you can answer it	6	A. Yes.
7	again.	7	Q. Okay. Please describe to me, in as
8	THE WITNESS: So when you say on	8	much detail as possible, the physical inspection
9	our end when you say and prior	9	of the property you did.
_	, , , , , , , , , , , , , , , , , , ,		of the property you aid.
10	information, the information we get is	10	MR. ZURBRIGGEN: Object to the
	information, the information we get is the search and arrest warrant. And then	10 11	
10	information, the information we get is		MR. ZURBRIGGEN: Object to the
10 11	information, the information we get is the search and arrest warrant. And then	11	MR. ZURBRIGGEN: Object to the form.
10 11 12	information, the information we get is the search and arrest warrant. And then we go out and recon that location. So	11 12	MR. ZURBRIGGEN: Object to the form. But, Sergeant, to the best of your
10 11 12 13	information, the information we get is the search and arrest warrant. And then we go out and recon that location. So how I look at it is the only information	11 12 13	MR. ZURBRIGGEN: Object to the form. But, Sergeant, to the best of your ability.
10 11 12 13 14	information, the information we get is the search and arrest warrant. And then we go out and recon that location. So how I look at it is the only information that I have that was given to me is the	11 12 13 14	MR. ZURBRIGGEN: Object to the form. But, Sergeant, to the best of your ability. THE WITNESS: As far as in colors
10 11 12 13 14 15	information, the information we get is the search and arrest warrant. And then we go out and recon that location. So how I look at it is the only information that I have that was given to me is the search and arrest warrant. Everything	11 12 13 14 15	MR. ZURBRIGGEN: Object to the form. But, Sergeant, to the best of your ability. THE WITNESS: As far as in colors and stuff like that, I probably couldn't
10 11 12 13 14 15	information, the information we get is the search and arrest warrant. And then we go out and recon that location. So how I look at it is the only information that I have that was given to me is the search and arrest warrant. Everything else was on my end.	11 12 13 14 15 16	MR. ZURBRIGGEN: Object to the form. But, Sergeant, to the best of your ability. THE WITNESS: As far as in colors and stuff like that, I probably couldn't tell you at this moment, but it's
10 11 12 13 14 15 16	information, the information we get is the search and arrest warrant. And then we go out and recon that location. So how I look at it is the only information that I have that was given to me is the search and arrest warrant. Everything else was on my end. BY MR. WEST:	11 12 13 14 15 16 17	MR. ZURBRIGGEN: Object to the form. But, Sergeant, to the best of your ability. THE WITNESS: As far as in colors and stuff like that, I probably couldn't tell you at this moment, but it's basically a rowhome with a door and
10 11 12 13 14 15 16 17	information, the information we get is the search and arrest warrant. And then we go out and recon that location. So how I look at it is the only information that I have that was given to me is the search and arrest warrant. Everything else was on my end. BY MR. WEST: Q. All right. But if someone asked	11 12 13 14 15 16 17 18	MR. ZURBRIGGEN: Object to the form. But, Sergeant, to the best of your ability. THE WITNESS: As far as in colors and stuff like that, I probably couldn't tell you at this moment, but it's basically a rowhome with a door and windows on the front. And looked into
10 11 12 13 14 15 16 17 18	information, the information we get is the search and arrest warrant. And then we go out and recon that location. So how I look at it is the only information that I have that was given to me is the search and arrest warrant. Everything else was on my end. BY MR. WEST: Q. All right. But if someone asked you what information you had prior to executing	11 12 13 14 15 16 17 18	MR. ZURBRIGGEN: Object to the form. But, Sergeant, to the best of your ability. THE WITNESS: As far as in colors and stuff like that, I probably couldn't tell you at this moment, but it's basically a rowhome with a door and windows on the front. And looked into the rear and there was a door with
10 11 12 13 14 15 16 17 18 19 20	information, the information we get is the search and arrest warrant. And then we go out and recon that location. So how I look at it is the only information that I have that was given to me is the search and arrest warrant. Everything else was on my end. BY MR. WEST: Q. All right. But if someone asked you what information you had prior to executing the search and arrest warrant, that would include	11 12 13 14 15 16 17 18 19 20	MR. ZURBRIGGEN: Object to the form. But, Sergeant, to the best of your ability. THE WITNESS: As far as in colors and stuff like that, I probably couldn't tell you at this moment, but it's basically a rowhome with a door and windows on the front. And looked into the rear and there was a door with windows on the rear.
10 11 12 13 14 15 16 17 18 19 20 21	information, the information we get is the search and arrest warrant. And then we go out and recon that location. So how I look at it is the only information that I have that was given to me is the search and arrest warrant. Everything else was on my end. BY MR. WEST: Q. All right. But if someone asked you what information you had prior to executing the search and arrest warrant, that would include the search and arrest warrant, itself, plus	11 12 13 14 15 16 17 18 19 20 21	MR. ZURBRIGGEN: Object to the form. But, Sergeant, to the best of your ability. THE WITNESS: As far as in colors and stuff like that, I probably couldn't tell you at this moment, but it's basically a rowhome with a door and windows on the front. And looked into the rear and there was a door with windows on the rear. BY MR. WEST: Q. Okay. Sir, you might have misunderstood the question. I wasn't asking you
10 11 12 13 14 15 16 17 18 19 20 21	information, the information we get is the search and arrest warrant. And then we go out and recon that location. So how I look at it is the only information that I have that was given to me is the search and arrest warrant. Everything else was on my end. BY MR. WEST: Q. All right. But if someone asked you what information you had prior to executing the search and arrest warrant, that would include the search and arrest warrant, itself, plus whatever information you gained through your	11 12 13 14 15 16 17 18 19 20 21 22	MR. ZURBRIGGEN: Object to the form. But, Sergeant, to the best of your ability. THE WITNESS: As far as in colors and stuff like that, I probably couldn't tell you at this moment, but it's basically a rowhome with a door and windows on the front. And looked into the rear and there was a door with windows on the rear. BY MR. WEST: Q. Okay. Sir, you might have

	Page 17		Page 19
1	asking you to describe what you specifically did	1	physically inspected the property.
2	with regards to a physical inspection of the	2	MR. ZURBRIGGEN: Object to the
3	property.	3	form.
4	MR. ZURBRIGGEN: Object to the	4	But, Sergeant, go ahead.
5	form.	5	THE WITNESS: Basically, just got
6	THE WITNESS: Okay. I've got you.	6	out of the car, looked at the property,
7	Basically, rode by the property. You	7	see like how many windows, doors, stuff
8	physically look at it as inconspicuous	8	like that.
9	as you can. Looked at the front. And	9	BY MR. WEST:
10	then we go drive around the back or walk	10	Q. Did you take any pictures?
11	around the back and look at the rear.	11	A. No.
12	BY MR. WEST:	12	Q. Did you take any contemporaneous
13	Q. Okay. When you drove by, what	13	notes?
14	street were you on?	14	A. The notes we take is basically we
15	A. The front's Torresdale.	15	relay it back to the guys at the office and they
16	Q. Okay. So you drove by the property	16	do our recon sheet.
17	on Torresdale Avenue; correct?	17	Q. Okay. Sir, so if you look at the
18	A. Yes.	18	statement, which is marked as Mellody-2, could you
19	Q. Okay. Did you drive by on any	19	switch to the second page, that's Bates Stamped
20	other street?	20	36, and just look to the second question and
21	A. Well, the property is on	21	answer section?
22	Torresdale.	22	A. Second page, Question Number 2?
23	Q. So you only drove by on Torresdale	23	Q. Yes. This is on Mellody sorry,
24	Avenue; correct?	24	Mellody-1.
			Hellody 1.
	Page 18		Page 20
			1496 20
1	A. Correct.	1	A. (Witness complies.)
1 2	A. Correct.Q. Okay. Did you get out and explore	1 2	
			A. (Witness complies.)
2	Q. Okay. Did you get out and explore	2	A. (Witness complies.) Q. So this is the interview statement
2	Q. Okay. Did you get out and explore the property by foot or only by passing it in a	2 3	A. (Witness complies.) Q. So this is the interview statement that you gave to who?
2 3 4	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car?	2 3 4	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe,
2 3 4 5	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we	2 3 4 5	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team.
2 3 4 5 6	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out.	2 3 4 5 6	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a
2 3 4 5 6 7	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where	2 3 4 5 6 7	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct?
2 3 4 5 6 7 8	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where A. Like the rear is like an alleyway	2 3 4 5 6 7 8	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct? A. No.
2 3 4 5 6 7 8	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where A. Like the rear is like an alleyway with, I believe, there's a parking lot behind the	2 3 4 5 6 7 8	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct? A. No. Q. Okay. So if you look at the second
2 3 4 5 6 7 8 9	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where A. Like the rear is like an alleyway with, I believe, there's a parking lot behind the alleyway there.	2 3 4 5 6 7 8 9	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct? A. No. Q. Okay. So if you look at the second question and answer, it says, would you please go
2 3 4 5 6 7 8 9 10	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where A. Like the rear is like an alleyway with, I believe, there's a parking lot behind the alleyway there. Q. Okay. So you drove by on	2 3 4 5 6 7 8 9 10	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct? A. No. Q. Okay. So if you look at the second question and answer, it says, would you please go in your own words and tell me everything you know
2 3 4 5 6 7 8 9 10 11	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where A. Like the rear is like an alleyway with, I believe, there's a parking lot behind the alleyway there. Q. Okay. So you drove by on Torresdale Avenue; correct?	2 3 4 5 6 7 8 9 10 11	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct? A. No. Q. Okay. So if you look at the second question and answer, it says, would you please go in your own words and tell me everything you know about this incident?
2 3 4 5 6 7 8 9 10 11 12 13	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where A. Like the rear is like an alleyway with, I believe, there's a parking lot behind the alleyway there. Q. Okay. So you drove by on Torresdale Avenue; correct? A. Correct.	2 3 4 5 6 7 8 9 10 11 12 13	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct? A. No. Q. Okay. So if you look at the second question and answer, it says, would you please go in your own words and tell me everything you know about this incident? And the answer, I'm just going to
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where A. Like the rear is like an alleyway with, I believe, there's a parking lot behind the alleyway there. Q. Okay. So you drove by on Torresdale Avenue; correct? A. Correct. Q. And then you got out at some point?	2 3 4 5 6 7 8 9 10 11 12 13 14	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct? A. No. Q. Okay. So if you look at the second question and answer, it says, would you please go in your own words and tell me everything you know about this incident? And the answer, I'm just going to read the first two sentences. It says, we did a
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where A. Like the rear is like an alleyway with, I believe, there's a parking lot behind the alleyway there. Q. Okay. So you drove by on Torresdale Avenue; correct? A. Correct. Q. And then you got out at some point? A. When we went to look at the rear,	2 3 4 5 6 7 8 9 10 11 12 13 14	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct? A. No. Q. Okay. So if you look at the second question and answer, it says, would you please go in your own words and tell me everything you know about this incident? And the answer, I'm just going to read the first two sentences. It says, we did a knock and announce in front of the property at
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where A. Like the rear is like an alleyway with, I believe, there's a parking lot behind the alleyway there. Q. Okay. So you drove by on Torresdale Avenue; correct? A. Correct. Q. And then you got out at some point? A. When we went to look at the rear, whatever that cross street is, we were down the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct? A. No. Q. Okay. So if you look at the second question and answer, it says, would you please go in your own words and tell me everything you know about this incident? And the answer, I'm just going to read the first two sentences. It says, we did a knock and announce in front of the property at 4664 Torresdale Avenue. There was no response
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where A. Like the rear is like an alleyway with, I believe, there's a parking lot behind the alleyway there. Q. Okay. So you drove by on Torresdale Avenue; correct? A. Correct. Q. And then you got out at some point? A. When we went to look at the rear, whatever that cross street is, we were down the cross street and there was like an alleyway or a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct? A. No. Q. Okay. So if you look at the second question and answer, it says, would you please go in your own words and tell me everything you know about this incident? And the answer, I'm just going to read the first two sentences. It says, we did a knock and announce in front of the property at 4664 Torresdale Avenue. There was no response from any occupants.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where A. Like the rear is like an alleyway with, I believe, there's a parking lot behind the alleyway there. Q. Okay. So you drove by on Torresdale Avenue; correct? A. Correct. Q. And then you got out at some point? A. When we went to look at the rear, whatever that cross street is, we were down the cross street and there was like an alleyway or a parking lot or something in the rear there.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct? A. No. Q. Okay. So if you look at the second question and answer, it says, would you please go in your own words and tell me everything you know about this incident? And the answer, I'm just going to read the first two sentences. It says, we did a knock and announce in front of the property at 4664 Torresdale Avenue. There was no response from any occupants. Is that accurate?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where A. Like the rear is like an alleyway with, I believe, there's a parking lot behind the alleyway there. Q. Okay. So you drove by on Torresdale Avenue; correct? A. Correct. Q. And then you got out at some point? A. When we went to look at the rear, whatever that cross street is, we were down the cross street and there was like an alleyway or a parking lot or something in the rear there. Q. Where did you park your car when	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct? A. No. Q. Okay. So if you look at the second question and answer, it says, would you please go in your own words and tell me everything you know about this incident? And the answer, I'm just going to read the first two sentences. It says, we did a knock and announce in front of the property at 4664 Torresdale Avenue. There was no response from any occupants. Is that accurate? MR. ZURBRIGGEN: Sergeant, take as
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where A. Like the rear is like an alleyway with, I believe, there's a parking lot behind the alleyway there. Q. Okay. So you drove by on Torresdale Avenue; correct? A. Correct. Q. And then you got out at some point? A. When we went to look at the rear, whatever that cross street is, we were down the cross street and there was like an alleyway or a parking lot or something in the rear there. Q. Where did you park your car when you got out to inspect the property by foot?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct? A. No. Q. Okay. So if you look at the second question and answer, it says, would you please go in your own words and tell me everything you know about this incident? And the answer, I'm just going to read the first two sentences. It says, we did a knock and announce in front of the property at 4664 Torresdale Avenue. There was no response from any occupants. Is that accurate? MR. ZURBRIGGEN: Sergeant, take as much as time as you need to review it.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where A. Like the rear is like an alleyway with, I believe, there's a parking lot behind the alleyway there. Q. Okay. So you drove by on Torresdale Avenue; correct? A. Correct. Q. And then you got out at some point? A. When we went to look at the rear, whatever that cross street is, we were down the cross street and there was like an alleyway or a parking lot or something in the rear there. Q. Where did you park your car when you got out to inspect the property by foot? A. Whatever that cross street is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct? A. No. Q. Okay. So if you look at the second question and answer, it says, would you please go in your own words and tell me everything you know about this incident? And the answer, I'm just going to read the first two sentences. It says, we did a knock and announce in front of the property at 4664 Torresdale Avenue. There was no response from any occupants. Is that accurate? MR. ZURBRIGGEN: Sergeant, take as much as time as you need to review it. THE WITNESS: Yes. BY MR. WEST: Q. Okay. So there was a knock and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. Did you get out and explore the property by foot or only by passing it in a car? A. The front, vehicle. The rear, we got out. Q. Okay. So where A. Like the rear is like an alleyway with, I believe, there's a parking lot behind the alleyway there. Q. Okay. So you drove by on Torresdale Avenue; correct? A. Correct. Q. And then you got out at some point? A. When we went to look at the rear, whatever that cross street is, we were down the cross street and there was like an alleyway or a parking lot or something in the rear there. Q. Where did you park your car when you got out to inspect the property by foot? A. Whatever that cross street is somewhere in there.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. (Witness complies.) Q. So this is the interview statement that you gave to who? A. This statement here to, I believe, the shooting team. Q. Okay. And you did not have a chance to review this prior to today; correct? A. No. Q. Okay. So if you look at the second question and answer, it says, would you please go in your own words and tell me everything you know about this incident? And the answer, I'm just going to read the first two sentences. It says, we did a knock and announce in front of the property at 4664 Torresdale Avenue. There was no response from any occupants. Is that accurate? MR. ZURBRIGGEN: Sergeant, take as much as time as you need to review it. THE WITNESS: Yes. BY MR. WEST:

	Page 21		Page 23
1	Avenue?	1	A. If Clark is saying if it says
2	A. Correct.	2	Clark, then it was probably Clark. Like I
3	Q. And there was no response from any	3	couldn't tell you exactly. If I didn't have this
4	occupants; is that correct?	4	document I couldn't tell you who breached that
5	A. Correct.	5	morning.
6	Q. Okay. How do you know that?	6	MR. WEST: Doug, please mark this
7	A. How do I know that there was no	7	as Mellody-4 and provide it to the
8	response?	8	witness. This is the recon.
9	Q. Well, actually, let me clarify.	9	
10	How do you know that there was a	10	(Whereupon, Exhibit Mellody-4 was
11	knock and announce at the property?	11	marked for identification.)
12	A. I was the sixth person in line.	12	
13	Q. So you physically saw a knock and	13	BY MR. WEST:
14	announce; correct?	14	Q. Sergeant Mellody, I believe that
15	A. Physically, no. Heard, yes.	15	you testified earlier today that when you
16	Q. Okay.	16	inspected the property what you inspected would be
17	A. Because I'm I was the last guy	17	written down subsequently in the reconnaissance
18	in the stack, which is probably from like the door	18	sheet.
19	to the wall, and I'm sitting right here.	19	Is that your testimony?
20	(Witness indicating.)	20	A. Correct.
21	Q. Who did the knock and announce?	21	Q. And when you referred to a
22	A. I don't know who the breachers	22	reconnaissance sheet for the property at 4664
23	were. I'd have to look that up.	23	Torresdale Avenue, is that the document in your
24	MR. WEST: All right. Let's mark	24	hand, which has been marked as Mellody-4?
			nand, which has been marked as Henory 4.
	Page 22		Page 24
1	as Mellody-3, this is the statement	1	A. Yes.
2	given by Lieutenant Demetrius Monk to	2	Q. Okay. Are you able to determine
3	the officer involved shooting	3	from this document who the officers were that
4	investigation unit Bates Stamped as	4	breached the door as part of that operation?
5	Defense 43 to 45.	5	A. Yes.
6		6	Q. What are the names?
7	(Whereupon, Exhibit Mellody-3 was	7	A. Clark and Murray.
8	marked for identification.)	8	Q. Okay. So whoever did the knock and
9		9	announce, would that have been either Clark or
10	BY MR. WEST:	10	Murray?
11	Q. Sir, if you could turn to second	11	MR. ZURBRIGGEN: Objection to the
12	page?	12	form.
13	A. (Witness complies.)	13	But, Sergeant, to the extent you
14	Q. And if you look at the second	14	know.
15	question-and-answer exchange on this document it	15	THE WITNESS: Yes.
16	reads, upon your arrival at 4664 Torresdale	16	BY MR. WEST:
17	Avenue, what did you see and do?	17	Q. Okay. Do you see any reference to
18	And I'll read the first sentence of	18	a rear door anywhere on this document?
19	Lieutenant Monk's answer.	19	A. No.
20	Upon arrival Officer Clark	20	Q. Do you see any reference anywhere
21	approached the door, knocked and announced,	21	on this document, which would suggest that a
22	police, with a warrant, open the door.	22	physical inspection of the property was done by
23	Does this refresh your recollection	23	foot?
24	as to which officer did the knock and announce?	24	MR. ZURBRIGGEN: Objection to the
I			

	Page 25		Page 27
1	form.	1	Q. Okay.
2	But, Sergeant, to the extent you	2	A. I couldn't tell you where this was
3	can tell.	3	from. It's all like distorted.
4	THE WITNESS: Repeat that question	4	Q. Well, we're going off in a
5	for me again?	5	different direction.
6	BY MR. WEST:	6	Back to who did the knock and
7	Q. Do you see any notation on this	7	announce, would it have to have been either Clark
8	reconnaissance sheet to a physical inspection of	8	or Murray?
9	the property being done by foot?	9	•
10	MR. ZURBRIGGEN: Same objection.	10	MR. ZURBRIGGEN: Object to the
11	But, Sergeant, to the extent you		form.
12	know.	11	Sergeant, again, to the extent you
13	THE WITNESS: You can see where it	12	know.
14	says property, property marked, their	13	THE WITNESS: According to this
15	property on the right from the corner	14	sheet it would have been Clark or
16	store, Philly Deli Delight, at Margaret	15	Murray.
17	Street and Torresdale. So Margaret was	16	MR. WEST: Okay. So let's mark
18	the cross street. And that's a	17	this document as Mellody-5.
19		18	
20	two-story rowhome. BY MR. WEST:	19	(Whereupon, Exhibit Mellody-5 was
21		20	marked for identification.)
22	Q. Okay. That's all information that	21	
23	could have been obtained by driving past the	22	BY MR. WEST:
24	property on Torresdale Avenue; correct?	23	Q. Sir, if you can you take a moment
24	MR. ZURBRIGGEN: Object to the	24	to review this, this is the OISI interview
	Page 26		Page 28
1	form.	1	statement given by Officer Brian Murray. And if
2	But, Sergeant, you can answer.	2	you look on the second page I actually highlighted
3	THE WITNESS: Yes.	3	a portion of Officer Murray's answer. Let me know
4	BY MR. WEST:	4	when you can see that.
5	Q. Okay. I don't see any reference to	5	A. I see it.
6	an alleyway here.	6	Q. And you can see on here that
7	Do you?	7	according to Officer Murray, quote, "Officer Clark
8	MR. ZURBRIGGEN: Same objection.	8	conducted the knock and announce.
9	Sergeant, to the extent you can	9	Do you see that?
10	tell.	10	A. Uh-huh.
11	THE WITNESS: Driveway, well,	11	Q. Does that refresh your recollection
12	driveway, alleyway.	12	as to who supposedly did the knock and announce?
13	BY MR. WEST:	13	MR. ZURBRIGGEN: Object to the
14	Q. Where is that?	14	form.
15	A. It says, rear, same on the right	15	But, Sergeant, to the extent you
16	street on Margaret Street and left on the first	16	know.
	driveway, the property on the left.	17	THE WITNESS: If it's in this
17		18	document then obviously Officer Clark
17 18	Q. The photograph that's attached to		-
	the property is a photograph of the front door	19	conducted the knock and announce. But
18	the property is a photograph of the front door	19 20	
18 19	the property is a photograph of the front door that was taken from Google Maps; right?		conducted the knock and announce. But if you want me physically remembering it, no.
18 19 20	the property is a photograph of the front door that was taken from Google Maps; right? A. If that's what you're saying.	20	if you want me physically remembering
18 19 20 21	the property is a photograph of the front door that was taken from Google Maps; right?	20	if you want me physically remembering it, no.
18 19 20 21 22	the property is a photograph of the front door that was taken from Google Maps; right? A. If that's what you're saying. Q. Do you remember at this point?	20 21 22	if you want me physically remembering it, no. BY MR. WEST:

Page 29 Page 31 1 MR. ZURBRIGGEN: Objection. 1 BY MR. WEST: 2 2 THE WITNESS: If it says -- if Okay. But had you conducted your Q. 3 Murray's saying it was Clark, then it 3 reconnaissance prior to or after arriving at the 4 was Officer Clark. 4 staging area? 5 5 BY MR. WEST: A. Before. 6 6 Q. So any communications you had with Did you have any communications 7 7 with Detective Graf or Detective Scally prior to the detectives would not have informed your 8 reconnaissance; correct? 8 the execution of this warrant? 9 Repeat that again for me? 9 At the stage, but the names you're 10 MR. ZURBRIGGEN: Object to the 10 saying, I can't put the names to the faces. 11 form. 11 Okay. So am I correct in 12 BY MR. WEST: 12 interpreting your answer as saying that you recall 13 Yes. Any information that you 13 speaking to some detectives at the staging area 14 obtained from the detectives would have come to 14 prior to the discussion, but you can't remember 15 you after you were already done with your 15 precisely who they were at this time? 16 reconnaissance? 16 A. Correct, correct. 17 A. Correct. 17 Okay. Prior to the staging area, 18 O. Okay. 18 had you communicated with any detectives about the 19 A. Well, the information, how it works 19 execution of this warrant? 20 is they call our desk guy and they give all of the 20 A. No. 21 information, like address, all of the information, 21 Q. Did you receive any information 22 warrant number and all of that stuff. And if 22 from any detectives about the suspect's home or 23 there's any additional like information they want how to enter the home prior to getting to the 23 24 to give to our desk guy, they do. But as far as 24 staging area? Page 30 Page 32 1 like me and other officers, we'll go to the stage 1 A. No. 2 MR. ZURBRIGGEN: And object to the 2 and they might tell us if there's something else 3 form, just for the record. 3 going on at the job at that location. 4 BY MR. WEST: 4 Okay. You and Officer Clark --5 Do you know whether or not the 5 strike the question. 6 6 suspect was on probation or parole at the time of When you and Officer Clark 7 7 the warrant execution operation? conducted the reconnaissance for this operation 8 8 you were the supervising officer over Clark; I don't recall. 9 9 Q. As part of your reconnaissance, is correct? 10 10 that information that you normally would have A. Correct, yeah. 11 11 obtained? Q. Is part of the reconnaissance with 12 12 regards to how the SWAT unit operates determining A. Normally, no. Sometimes, yes. It 13 all depends what the detectives tell our desk guy 13 the route that the SWAT unit should follow when 14 14 when they call it in. attempting to enter a property? 15 Okay. But your recollection with 15 Route by vehicle or route by like A. 16 regards to this specific operation, the detectives 16 approaching the house? 17 didn't tell you anything; correct? 17 Approaching the house. 18 MR. ZURBRIGGEN: Object to the 18 Yes, we do have something in place 19 19 where if there's windows and doors are, we come in 20 20 Sergeant, if you understand, you a certain direction. 21 21 can answer. For example, the 4664 Torresdale 2.2 22 Avenue property had a front door and a rear door; THE WITNESS: I don't recall what 23 23 they exactly told me at the staging area correct? 24 24 Correct. about parole, no. A.

	Page 33		Page 35
1	Q. Was it ultimately your decision to	1	that the front door was the best
2	enter the property through the front door rather	2	opportunity for us to go through and
3	than the rear door?	3	that it was normally what the house gave
4	A. No.	4	us is what we could go through the door
5	Q. Who made that decision?	5	and there should have been some type of
6	A. The decision to breach the door is	6	stairwell or door to the left or
7	by Lieutenant Monk.	7	straight ahead.
8	Q. Who made the decision as far as	8	BY MR. WEST:
9	strike the question.	9	Q. What was the description of the
10	When you say it was Lieutenant	10	property in the search warrant?
11	Monk's decision to breach the door, the decision	11	MR. ZURBRIGGEN: Objection to the
12	to breach is made when the SWAT unit officers are	12	form.
13	already in position outside the door; correct?	13	But, Sergeant, if you know.
14	A. Correct.	14	BY MR. WEST:
15	Q. Who made the decision to send the	15	Q. If you recall at this time?
16	SWAT unit to the front door let me lay a	16	A. I don't recall at this time. I
17	foundation.	17	don't know word for word what the search warrant
18	A. I know what you're getting at.	18	said.
19	Q. Yes, we know what we're talking	19	Q. Do you recall if the search warrant
20	about, but let me just try to create a clear	20	referred to the suspect living in the rear
21	record.	21	apartment?
22	At some point prior to the warrant	22	A. Yes.
23	being executed at the 4664 Torresdale Avenue,	23	MR. ZURBRIGGEN: Same objection.
24	wasn't an operational decision made to breach the	24	THE WITNESS: Yes.
	Page 34		Daga 26
		1	Page 36
1		1	
1 2	property through the front door rather than the rear door?	1 2	BY MR. WEST:
	property through the front door rather than the		BY MR. WEST: Q. Okay. And, actually, we've marked
2	property through the front door rather than the rear door?	2	BY MR. WEST:
2	property through the front door rather than the rear door? A. Yes.	2 3	BY MR. WEST: Q. Okay. And, actually, we've marked the recon sheet as what, Mellody-4?
2 3 4	property through the front door rather than the rear door? A. Yes. Q. Who made that decision?	2 3 4	BY MR. WEST: Q. Okay. And, actually, we've marked the recon sheet as what, Mellody-4? A. Yes. Q. So the recon sheet specifically
2 3 4 5	property through the front door rather than the rear door? A. Yes. Q. Who made that decision? A. You could say you could say me	2 3 4 5	BY MR. WEST: Q. Okay. And, actually, we've marked the recon sheet as what, Mellody-4? A. Yes.
2 3 4 5 6	property through the front door rather than the rear door? A. Yes. Q. Who made that decision? A. You could say you could say me because I reconned that job. And the way was	2 3 4 5 6	BY MR. WEST: Q. Okay. And, actually, we've marked the recon sheet as what, Mellody-4? A. Yes. Q. So the recon sheet specifically states it's apartment second floor rear; right?
2 3 4 5 6 7	property through the front door rather than the rear door? A. Yes. Q. Who made that decision? A. You could say you could say me because I reconned that job. And the way was that's the door we were going through.	2 3 4 5 6 7	BY MR. WEST: Q. Okay. And, actually, we've marked the recon sheet as what, Mellody-4? A. Yes. Q. So the recon sheet specifically states it's apartment second floor rear; right? A. Yep.
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	Page 37		Page 39
1	Q. Okay. By the information available	1	normally know about a suspect prior to trying to
2	to you as part of your reconnaissance is that you	2	enforce a search warrant at the suspect's home?
3	knew that there was a rear door on the property	3	A. It all depends if the detectives
4	and you knew that you had a search warrant that	4	tell us.
5	specified that this was a rear apartment; correct?	5	Q. Did you ask the detectives if they
6	MR. ZURBRIGGEN: Object to the	6	had that information about this particular person?
7	form.	7	A. If he was on parole?
8	But, Sergeant, you can	8	Q. Probation or parole.
9	THE WITNESS: Right.	9	A. No.
10	BY MR. WEST:	10	Q. Is that a question that you
11	Q. So what, if anything, did you do to	11	normally would ask?
12	try to review the situation to see if possibly the	12	A. No.
13	rear door led to a rear apartment?	13	Q. And your recollection is that the
14	MR. ZURBRIGGEN: I'm going to	14	•
15	object to the form.		detectives didn't give you any information with
16	But, Sergeant, you can explain.	15 16	regards to that; correct?
17	THE WITNESS: I did look at the		A. Correct.
18	rear. That rear of the property gave me	17	Q. Okay. If you had known that he was
19	no indication that that was a front door	18	on probation or parole, wouldn't that have led you
20	to a second-floor rear apartment.	19	to understand that somebody from probation and
21	BY MR. WEST:	20	parole had probably been to his apartment before?
22	Q. Okay.	21	MR. ZURBRIGGEN: Object to form.
23	A. Because usually to me it was a rear	22	Sergeant; if you know.
24	kitchen door coming off the first floor.	23	THE WITNESS: So we get these
	Michell door coming on the mot noon.	24	warrants the night before. Like I come
	Page 38		
	rage 30		Page 40
1	Q. If you had known that the suspect	1	in at 11:00 at night or whatever. So we
1 2	_	1 2	
	Q. If you had known that the suspect		in at 11:00 at night or whatever. So we
2	Q. If you had known that the suspect was on parole, that would have told you that	2	in at 11:00 at night or whatever. So we get these warrants literally at
2	Q. If you had known that the suspect was on parole, that would have told you that sorry, strike the question.	2	in at 11:00 at night or whatever. So we get these warrants literally at nighttime for 5:00 a.m. So the odds of
2 3 4	Q. If you had known that the suspect was on parole, that would have told you that sorry, strike the question. If you had known that the suspect	2 3 4	in at 11:00 at night or whatever. So we get these warrants literally at nighttime for 5:00 a.m. So the odds of me like I don't know if they're on
2 3 4 5	Q. If you had known that the suspect was on parole, that would have told you that sorry, strike the question. If you had known that the suspect was on probation or parole, that would have	2 3 4 5	in at 11:00 at night or whatever. So we get these warrants literally at nighttime for 5:00 a.m. So the odds of me like I don't know if they're on probation. I have no one to call to
2 3 4 5 6	Q. If you had known that the suspect was on parole, that would have told you that sorry, strike the question. If you had known that the suspect was on probation or parole, that would have informed you that the probation and parole office	2 3 4 5 6	in at 11:00 at night or whatever. So we get these warrants literally at nighttime for 5:00 a.m. So the odds of me like I don't know if they're on probation. I have no one to call to find out anybody is on probation at 3:00
2 3 4 5 6 7	Q. If you had known that the suspect was on parole, that would have told you that sorry, strike the question. If you had known that the suspect was on probation or parole, that would have informed you that the probation and parole office had likely been to his property; correct?	2 3 4 5 6 7	in at 11:00 at night or whatever. So we get these warrants literally at nighttime for 5:00 a.m. So the odds of me like I don't know if they're on probation. I have no one to call to find out anybody is on probation at 3:00 in the morning.
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	Page 41		Page 43
1	Sergeant, to the extent you know.	1	marked for identification.)
2	THE WITNESS: If parole was there	2	
3	before, yes.	3	BY MR. WEST:
4	BY MR. WEST:	4	Q. Sir, I can represent to you that we
5	Q. Okay. So when you're doing the	5	deposed someone from the probation and parole
6	reconnaissance and trying to figure out how to get	6	office in this case and they provided us with this
7	into this apartment, why wouldn't you reach out to	7	document, which is for the suspect. His name was
8	a resource like probation or parole that would be	8	xxxxxx xxx. Okay?
9	able to tell you how to get there?	9	A. Okay.
10	A. That's detectives, that's the	10	Q. And this document memorializes that
11	detectives' business.	11	the probation and parole office had been to this
12	Q. Then did you assume that the	12	property. And you can see on the highlighted
13	detectives would do that?	13	section of the first page they had learned that
14	A. Yes.	14	
			the entrance to the rear apartment was through the
15	Q. Okay. And once you realized the	15	alleyway.
16	detectives hadn't done that in this case, why	16	Do you see that?
17	didn't you ask them that why hadn't done it?	17	A. Yes.
18	MR. ZURBRIGGEN: Object to the	18	Q. And they also had obtained the name
19	form.	19	Mirela Pajo and the contact information for the
20	Sergeant; if you know.	20	property owner.
21	THE WITNESS: Before or after?	21	You can see that on the second
22	BY MR. WEST:	22	page; correct?
23	Q. Before you broke down Ms.	23	A. Yes.
24	Alvarado's front door, why didn't you ask that	24	MR. ZURBRIGGEN: Object to the
	Page 42		Page 44
			5
1	question of the detectives?	1	characterization.
1 2	question of the detectives? A. Because if the detectives knew,	1 2	
	•		characterization.
2	A. Because if the detectives knew,	2	characterization. But, Sergeant, you can answer to
2 3	A. Because if the detectives knew, they should have told us. We don't do detective	2	characterization. But, Sergeant, you can answer to the extent you can tell from this
2 3 4	A. Because if the detectives knew, they should have told us. We don't do detective work.	2 3 4	characterization. But, Sergeant, you can answer to the extent you can tell from this document.
2 3 4 5	A. Because if the detectives knew, they should have told us. We don't do detective work. Q. Okay.	2 3 4 5	characterization. But, Sergeant, you can answer to the extent you can tell from this document. BY MR. WEST:
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2 3 4 5 6 7	A. Because if the detectives knew, they should have told us. We don't do detective work. Q. Okay. A. It's not why we're there for. Q. Did you call the property manager?	2 3 4 5 6 7	characterization. But, Sergeant, you can answer to the extent you can tell from this document. BY MR. WEST: Q. Okay. If you had had the information on the first page of this document
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	Page 45		Page 47
1	THE WITNESS: If we knew this	1	There's other people inside on computers. We call
2	information at the time we would enter	2	them and tell them what we're going to do. And
3	the door from the rear because it	3	they put on it the recon sheet.
4	clearly says go down the alleyways, rear	4	Q. Okay.
5	apartment, second floor. If we had this	5	A. So you have two guys on the street
6	information it would have been	6	and possibly two guys inside doing this recon
7	different.	7	stuff.
8	BY MR. WEST:	8	Q. So if an aerial Google Maps view of
9	Q. All right. I have a document	9	the property had been obtained prior to the
10	previously been marked as Scott-3.	10	warrant execution operation in this case, that
11	MR. WEST: Let's mark this as	11	would have been part of the recon sheet; right?
12	Mellody-7.	12	MR. ZURBRIGGEN: Object to the
13		13	form.
14	(Whereupon, Exhibit Mellody-7 was	14	But, Sergeant; if you know.
15	marked for identification.)	15	THE WITNESS: Sometimes yes,
16		16	sometimes no. Like sometimes if the
17	BY MR. WEST:	17	rear has like a weird entry level in our
18	Q. Do you recognize what that document	18	jobs we'll throw in a rear photo like
19	is?	19	that, but this is not a normal thing,
20	A. Nope.	20	no, because the normal one would be the
21	Q. Have you ever seen a document that	21	front of the property when we roll up
22	looks like that before?	22	everybody knows what we're looking at.
23	MR. ZURBRIGGEN: Object to the form	23	An aerial shot does nothing for us when
24	of the question.	24	we walk up to a property.
	D 1C		
	Page 46		Page 48
1	But, Sergeant, if you can.	1	Page 48 BY MR. WEST:
1 2	But, Sergeant, if you can. THE WITNESS: It's an aerial map of	1 2	BY MR. WEST: Q. Did you, specifically, view an
	But, Sergeant, if you can.		BY MR. WEST: Q. Did you, specifically, view an aerial shot of the 4664 Torresdale Avenue property
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	Page 49		Page 51
1	MR. ZURBRIGGEN: Object to the	1	that, but I can't answer your questions in
2	form.	2	testimony.
3	And, Sergeant, you	3	A. I've got you.
4	THE WITNESS: Most likely.	4	Q. Have you ever had heard of
5	MR. WEST: Adam, could you explain	5	something called the knock and announce rule?
6	that objection?	6	A. The knock and announce rule?
7	The reason being because I want to	7	Q. Yes.
8	make sure I ask that question.	8	A. Yes.
9	MR. ZURBRIGGEN: Yes. Well, I'm	9	Q. Okay. Where did you hear about
10	objecting just because of the nature of	10	that?
11	the photograph. It's not one he's been	11	A. Well, knock and announce rule is
12	presented before and it's not one he's	12	like a reasonable amount of time to take a door in
13	viewed. So and he also didn't draw the	13	a search warrant.
14	pink arrow. So to the extent I object	14	Q. Okay. Where did you hear about
15	to the form of that question. But to	15	that?
16	the extent that the Sergeant can explain	16	
17	in his answer in a way that is	17	A. Training. Q. From the Philadelphia Police
18	comprehensive.	18	Q. From the Philadelphia Ponce Department?
19	MR. WEST: That's fine. I wanted	19	- I
20	to make sure I hadn't misused a word or		A. You could say, yes.
21	something.	20	Q. Did you receive any separate
22	BY MR. WEST:	21	training specific to the SWAT unit?
23	Q. Okay. All right.	22	A. No.
24	And so the only reason that you	23	Q. Just from the Philadelphia Police
		24	Department?
	Page 50		Page 52
1	didn't follow the course of entry displayed by the	1	A. Yes.
1 2	didn't follow the course of entry displayed by the yellow marker here on this exhibit is just simply	1 2	
			A. Yes.
2	yellow marker here on this exhibit is just simply	2	A. Yes.Q. Okay. By the way, so you're like
2	yellow marker here on this exhibit is just simply because you didn't have that information from	2 3	A. Yes. Q. Okay. By the way, so you're like 48 years old?
2 3 4	yellow marker here on this exhibit is just simply because you didn't have that information from probation and parole; right?	2 3 4	A. Yes. Q. Okay. By the way, so you're like 48 years old? A. Forty-nine.
2 3 4 5	yellow marker here on this exhibit is just simply because you didn't have that information from probation and parole; right? MR. ZURBRIGGEN: Do you mean the	2 3 4 5	 A. Yes. Q. Okay. By the way, so you're like 48 years old? A. Forty-nine. Q. Forty-nine, okay.
2 3 4 5 6	yellow marker here on this exhibit is just simply because you didn't have that information from probation and parole; right? MR. ZURBRIGGEN: Do you mean the pink, just for the record?	2 3 4 5 6	 A. Yes. Q. Okay. By the way, so you're like 48 years old? A. Forty-nine. Q. Forty-nine, okay. When did you join the Philadelphia
2 3 4 5 6 7	yellow marker here on this exhibit is just simply because you didn't have that information from probation and parole; right? MR. ZURBRIGGEN: Do you mean the pink, just for the record? MR. WEST: Yes.	2 3 4 5 6 7	 A. Yes. Q. Okay. By the way, so you're like 48 years old? A. Forty-nine. Q. Forty-nine, okay. When did you join the Philadelphia Police Department?
2 3 4 5 6 7 8	yellow marker here on this exhibit is just simply because you didn't have that information from probation and parole; right? MR. ZURBRIGGEN: Do you mean the pink, just for the record? MR. WEST: Yes. MR. ZURBRIGGEN: Okay.	2 3 4 5 6 7 8	 A. Yes. Q. Okay. By the way, so you're like 48 years old? A. Forty-nine. Q. Forty-nine, okay. When did you join the Philadelphia Police Department? A. 1998.
2 3 4 5 6 7 8	yellow marker here on this exhibit is just simply because you didn't have that information from probation and parole; right? MR. ZURBRIGGEN: Do you mean the pink, just for the record? MR. WEST: Yes. MR. ZURBRIGGEN: Okay. THE WITNESS: Correct.	2 3 4 5 6 7 8	 A. Yes. Q. Okay. By the way, so you're like 48 years old? A. Forty-nine. Q. Forty-nine, okay. When did you join the Philadelphia Police Department? A. 1998. Q. Okay. And when you joined, were
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2 3 4 5 6 7 8 9 10	yellow marker here on this exhibit is just simply because you didn't have that information from probation and parole; right? MR. ZURBRIGGEN: Do you mean the pink, just for the record? MR. WEST: Yes. MR. ZURBRIGGEN: Okay. THE WITNESS: Correct. MR. ZURBRIGGEN: And objection to the form, for the record.	2 3 4 5 6 7 8 9 10	A. Yes. Q. Okay. By the way, so you're like 48 years old? A. Forty-nine. Q. Forty-nine, okay. When did you join the Philadelphia Police Department? A. 1998. Q. Okay. And when you joined, were you a patrol officer? A. Yes.
2 3 4 5 6 7 8 9 10 11	yellow marker here on this exhibit is just simply because you didn't have that information from probation and parole; right? MR. ZURBRIGGEN: Do you mean the pink, just for the record? MR. WEST: Yes. MR. ZURBRIGGEN: Okay. THE WITNESS: Correct. MR. ZURBRIGGEN: And objection to the form, for the record. THE WITNESS: Can I ask a question	2 3 4 5 6 7 8 9 10 11 12	A. Yes. Q. Okay. By the way, so you're like 48 years old? A. Forty-nine. Q. Forty-nine, okay. When did you join the Philadelphia Police Department? A. 1998. Q. Okay. And when you joined, were you a patrol officer? A. Yes. Q. How long did you remain a patrol
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	Page 53		Page 55
1	District.	1	school didn't make any reference to the knock and
2	Q. Okay. So you oversaw patrol	2	announce rule; correct?
3	officers; is that correct?	3	MR. ZURBRIGGEN: Object to the
4	A. Correct.	4	form.
5	Q. And how long did you remain a	5	Sergeant?
6	supervisor of patrol officers?	6	THE WITNESS: That they didn't make
7	A. I think it was six years, seven	7	any reference?
8	years.	8	BY MR. WEST:
9	Q. Okay. What was next?	9	Q. Well, yes, I think I asked you
10	A. I got transferred to the SWAT unit	10	earlier if you received any training about the
11	in December of 2019.	11	knock and announce rule specific to the SWAT unit
12	Q. Why did you get transferred to the	12	and I believe your testimony was no; is that
13	SWAT unit?	13	correct?
14	A. Why?		
15	Q. Yes. Did you request it?	14	MR. ZURBRIGGEN: Objection to the
16	A. Yeah, you put it in, put a transfer	15	form.
17	in.	16	But, Sergeant, you can explain.
18	Q. Why did you decide to request a	17	THE WITNESS: So I don't recall a
19	transfer to the SWAT unit?	18	specific time that they talked about it
20	MR. ZURBRIGGEN: Object to the	19	during training.
21	form.	20	BY MR. WEST:
22		21	Q. Okay. So as of today you do not
23	But, Sergeant, you can answer.	22	recall there being any specific training with
24	THE WITNESS: Something I always wanted to do.	23	regards to the knock and announce rule?
24	wanted to do.	24	A. No, that's not what I said. I said
	Page 54		Page 56
1	BY MR. WEST:	1	
1 2		1 2	we probably did, but I couldn't tell you when.
	Q. Okay. So you and when you		we probably did, but I couldn't tell you when. Q. Okay. So let me just ask the
2	Q. Okay. So you and when you transferred you kept your rank, so you became a	2	we probably did, but I couldn't tell you when. Q. Okay. So let me just ask the question a little bit differently.
2	Q. Okay. So you and when you	2 3 4	we probably did, but I couldn't tell you when. Q. Okay. So let me just ask the question a little bit differently. Did you receive any training
2 3 4	Q. Okay. So you and when you transferred you kept your rank, so you became a sergeant within the SWAT unit; is that correct? A. Correct.	2 3	we probably did, but I couldn't tell you when. Q. Okay. So let me just ask the question a little bit differently. Did you receive any training specifically about the knock and announce rule
2 3 4 5	Q. Okay. So you and when you transferred you kept your rank, so you became a sergeant within the SWAT unit; is that correct? A. Correct. Q. So our operation happened early	2 3 4 5	we probably did, but I couldn't tell you when. Q. Okay. So let me just ask the question a little bit differently. Did you receive any training specifically about the knock and announce rule when you were at SWAT school?
2 3 4 5 6 7	 Q. Okay. So you and when you transferred you kept your rank, so you became a sergeant within the SWAT unit; is that correct? A. Correct. Q. So our operation happened early June 2021. 	2 3 4 5 6 7	we probably did, but I couldn't tell you when. Q. Okay. So let me just ask the question a little bit differently. Did you receive any training specifically about the knock and announce rule when you were at SWAT school? A. Yes.
2 3 4 5 6	Q. Okay. So you and when you transferred you kept your rank, so you became a sergeant within the SWAT unit; is that correct? A. Correct. Q. So our operation happened early June 2021. So I take it at that point you had	2 3 4 5 6 7 8	we probably did, but I couldn't tell you when. Q. Okay. So let me just ask the question a little bit differently. Did you receive any training specifically about the knock and announce rule when you were at SWAT school? A. Yes. Q. Okay.
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	Page 57		Page 59
1	recall that.	1	Just a reasonable amount of time
2	MR. ZURBRIGGEN: Same objection,	2	somebody can get to the door to answer
3	for the record.	3	it.
4	Y MR. WEST:	4	BY MR. WEST:
5	Q. At this time you don't recall	5	Q. Okay. Under the knock and announce
6	anything specifically being said about the knock	6	rule, are you obligated to give the occupant of
7	and announce rule at SWAT school; correct?	7	the property a reasonable opportunity to
8	MR. ZURBRIGGEN: Same objection.	8	voluntarily surrender the property before you
9	THE WITNESS: Correct.	9	break down the door?
10	BY MR. WEST:	10	MR. ZURBRIGGEN: Object to the
11	Q. Do you recall if you ever received	11	form.
12	any training specifically about the knock and	12	Sergeant, you can answer.
13	announce rule before you went to SWAT school?	13	THE WITNESS: Yes.
14	A. No.	14	BY MR. WEST:
15	Q. You don't recall any specific	15	Q. Okay. Are you guessing or do you
16	training?	16	know that for sure?
17	A. No.	17	MR. ZURBRIGGEN: Object, same
18	Q. Have you ever received any training	18	objection.
19	from the Philadelphia Police Department that	19	THE WITNESS: When we do knock and
20	specifically explained to you what the knock and	20	announce we give them a reasonable
21	announce rule was?	21	amount of time to answer the door to
22	MR. ZURBRIGGEN: Object to the form	22	surrender to us.
23	of the question.	23	BY MR. WEST:
24	Sergeant, you can answer.	24	Q. Okay. Did you receive any training
	Dago E0		
	Page 58		Page 60
1	THE WITNESS: Probably in the	1	from the Philadelphia Police Department with
1 2	THE WITNESS: Probably in the Academy.	1 2	
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2 3 4 5 6 7 8	THE WITNESS: Probably in the Academy. BY MR. WEST: Q. Which would have been back in the 1990s; right? A. Yes. Q. Do you know what the knock and announce rule is?	2 3 4 5 6 7 8	from the Philadelphia Police Department with regards to what would be considered a reasonable amount of time? MR. ZURBRIGGEN: Same objection. THE WITNESS: Probably in the Academy. BY MR. WEST: Q. Not that you can recall today;
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	Page 61		Page 63
1	BY MR. WEST:	1	A. (Witness complies.)
2	Q. Would you say 45 seconds or more?	2	Q. I've got a document here. This
3	MR. ZURBRIGGEN: Same objection.	3	particular document has exhibit stickers on it
4	Sergeant, you can answer.	4	from Scott-1 and Hamoy-2.
5	THE WITNESS: You could say that.	5	MR. WEST: And we'll mark this as
6	That's a little long, but	6	Mellody-9.
7	BY MR. WEST:	7	
8	Q. Okay. So if that's too long, how	8	(Whereupon, Exhibit Mellody-9 was
9	much time would you consider reasonable?	9	marked for identification.)
10	MR. ZURBRIGGEN: Same objection.	10	
11	Sergeant, go ahead and answer	11	BY MR. WEST:
12	again.	12	Q. Do you recognize what this is a
13	THE WITNESS: There's no time.	13	photograph of?
14	It's a reasonable amount of time. So	14	A. That looks likes the property at
15	when you're at these locations you hear	15	46
16	movement, you see them coming to the	16	Q. 64?
17	door. We wait for them. We're not	17	A. 4664.
18	crushing doors. People say I'm coming	18	Q. Okay. And I can represent to you
19	to the door. We give them that	19	that it's been circled with a yellow highlighter
20	opportunity to open the door for us.	20	and there's some green highlighter markings.
21	What that time is, I don't know.	21	That's from the prior time that this document was
22	BY MR. WEST:	22	used in prior depositions.
23	Q. Okay. Have you ever seen the SWAT	23	The property that's been circled in
24	unit breach a property without following the knock	24	yellow and marked with green, does that appear to
	Page 62		Page 64
1	and announce rule?	1	you to be the property that was breached as part
2	A. No.	2	of the operation that this case is about?
3	Q. Was the knock and announce rule	3	MR. ZURBRIGGEN: Object to the
4 5	followed with regards to the 4664 Torresdale Avenue property?	4 5	form.
6		6	Sergeant, to the extent you can
7	A. I believe so, yes. MR. WEST: Okay. Let's mark this	7	tell him. THE WITNESS: I believe so, yes.
8	document as Mellody-8.	8	BY MR. WEST:
9	document as Menody-o.	9	Q. Okay. And you can see that there's
. 2	(Whereupon, Exhibit Mellody-8 was	10	a front door inside of that yellow circle; right?
	marked for identification.)	11	MR. ZURBRIGGEN: Same objection.
10	marked for identification.)	1	
10 11		12	·
10 11 12	BY MR. WEST:	12 13	Sergeant, you can answer to the
10 11 12 13	BY MR. WEST: O. Do you know what that is?	13	Sergeant, you can answer to the extent you can tell.
10 11 12 13 14	Q. Do you know what that is?	13 14	Sergeant, you can answer to the extent you can tell. THE WITNESS: There's a front door,
10 11 12 13 14 15	Q. Do you know what that is?A. Well, it has the City of	13 14 15	Sergeant, you can answer to the extent you can tell. THE WITNESS: There's a front door, yeah, I guess.
10 11 12 13 14 15 16	Q. Do you know what that is?A. Well, it has the City ofPhiladelphia logo on it and it says property. So	13 14 15 16	Sergeant, you can answer to the extent you can tell. THE WITNESS: There's a front door, yeah, I guess. BY MR. WEST:
10 11 12 13 14 15	Q. Do you know what that is?A. Well, it has the City ofPhiladelphia logo on it and it says property. SoI'm guessing it's some kind of real estate thing	13 14 15	Sergeant, you can answer to the extent you can tell. THE WITNESS: There's a front door, yeah, I guess. BY MR. WEST: Q. Do you actually recognize it or
10 11 12 13 14 15 16 17	Q. Do you know what that is? A. Well, it has the City of Philadelphia logo on it and it says property. So I'm guessing it's some kind of real estate thing in the City.	13 14 15 16 17	Sergeant, you can answer to the extent you can tell. THE WITNESS: There's a front door, yeah, I guess. BY MR. WEST: Q. Do you actually recognize it or not?
10 11 12 13 14 15 16 17 18	Q. Do you know what that is? A. Well, it has the City of Philadelphia logo on it and it says property. So I'm guessing it's some kind of real estate thing in the City. Q. That's not a website that you	13 14 15 16 17 18 19	Sergeant, you can answer to the extent you can tell. THE WITNESS: There's a front door, yeah, I guess. BY MR. WEST: Q. Do you actually recognize it or not? MR. ZURBRIGGEN: Same objection.
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	Page 65		Page 67
1	A. I see two windows and, I guess, a	1	A. I do.
2	door to the right.	2	Q. What house was that?
3	Q. Okay. Do you know if the door that	3	A. That is the 4664 Torresdale.
4	got breached that led into Ms. Alvarado's	4	Q. Okay. And that's the front door
5	apartment is the door inside of the yellow circle	5	that got breached as part of that operation?
6	or you're not sure?	6	A. Correct.
7	MR. ZURBRIGGEN: Objection to the	7	Q. All right. So if you looking at
8	form.	8	that picture, now that you look back to Mellody-9,
9	But, Sergeant, to the extent you	9	which is that do you recognize that now as the
10	can tell from that picture, go ahead.	10	same house just from a different angle?
11	THE WITNESS: So you're asking me	11	A. Yes.
12	from this picture do you want me to say	12	Q. Okay. And even though this one
13	you're asking if me if that's the	13	didn't come out clearly, is this consistent
14	door to her apartment?	14	Mellody-9, is this consistent with your memory of
15	BY MR. WEST:	15	what the 4664 Torresdale property looked like?
16	Q. I'm asking if you recall?	16	MR. ZURBRIGGEN: Object to the
17	A. If I had a better picture.	17	form.
18	Q. Okay. Fair enough. It looks to me	18	Sergeant; if you know.
19	like our printer might be on the blink, actually.	19	THE WITNESS: I recognize it more
20	MR. WEST: Does anyone want a break	20	in Mellody-10.
21	or should I just run over to my office	21	BY MR. WEST:
22	real quick? Do you guys want to take	22	Q. So as you look at both of these
23	like a quick break or are you guys ready	23	pictures together, do you see strike the
24	to go?	24	question.
			question
	Page 66		Page 68
			rage 00
1	THE WITNESS: I'm fine.	1	As you look at these pictures
1 2	THE WITNESS: I'm fine. MR. ZURBRIGGEN: We can continue.	1 2	
			As you look at these pictures together, looking at Mellody-9, the area where the green marking is, do you see that there's a
2	MR. ZURBRIGGEN: We can continue. I'm fine. The Sergeant's fine. Do you all need a break?	2	As you look at these pictures together, looking at Mellody-9, the area where the
2	MR. ZURBRIGGEN: We can continue. I'm fine. The Sergeant's fine.	2 3	As you look at these pictures together, looking at Mellody-9, the area where the green marking is, do you see that there's a
2 3 4	MR. ZURBRIGGEN: We can continue. I'm fine. The Sergeant's fine. Do you all need a break?	2 3 4	As you look at these pictures together, looking at Mellody-9, the area where the green marking is, do you see that there's a portion of the property that's marked in green? A. Yes. Q. And do you remember that there was,
2 3 4 5	MR. ZURBRIGGEN: We can continue. I'm fine. The Sergeant's fine. Do you all need a break? MR. WEST: No, I don't need a	2 3 4 5	As you look at these pictures together, looking at Mellody-9, the area where the green marking is, do you see that there's a portion of the property that's marked in green? A. Yes. Q. And do you remember that there was, in fact, at the 4664 Torresdale Avenue property a
2 3 4 5 6	MR. ZURBRIGGEN: We can continue. I'm fine. The Sergeant's fine. Do you all need a break? MR. WEST: No, I don't need a break. I'm going to be 30 seconds. I	2 3 4 5 6	As you look at these pictures together, looking at Mellody-9, the area where the green marking is, do you see that there's a portion of the property that's marked in green? A. Yes. Q. And do you remember that there was,
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. ZURBRIGGEN: We can continue. I'm fine. The Sergeant's fine. Do you all need a break? MR. WEST: No, I don't need a break. I'm going to be 30 seconds. I want to grab a better picture. (Whereupon, a discussion took place off the stenographic record only.) MR. WEST: We'll mark this as Mellody-10. (Whereupon, Exhibit Mellody-10 was marked for identification.) BY MR. WEST: Q. As I mentioned, the picture I showed you before I don't think came out very well from the printer. Is that a better picture?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	As you look at these pictures together, looking at Mellody-9, the area where the green marking is, do you see that there's a portion of the property that's marked in green? A. Yes. Q. And do you remember that there was, in fact, at the 4664 Torresdale Avenue property a portion of the building which was only one floor or one story tall? MR. ZURBRIGGEN: Object to the form. Sergeant, you can answer it again. THE WITNESS: So you're asking me if the green marking on Mellody-9, is it a one-floor structure? BY MR. WEST: Q. Right. That portion of the structure, is that two stories tall or one story tall, just that portion? A. The tan part? Q. Yes. A. Yeah, it's one story.

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1	apartment; right?	1	if available?
2	MR. ZURBRIGGEN: Object to the	2	MR. ZURBRIGGEN: Objection to the
3	form.	3	form.
4	Sergeant, you can answer.	4	Sergeant, you can answer; if you
5	THE WITNESS: Yes.	5	recall.
6	BY MR. WEST:	6	THE WITNESS: I don't recall that.
7	Q. Okay. And you knew that the door	7	BY MR. WEST:
8	on Torresdale Avenue led into a portion of the	8	Q. Okay. Nothing specific was said
9	property that was only one floor story tall;	9	about that, to your recollection; correct?
10	right?	10	A. Not that I recall.
11	MR. ZURBRIGGEN: Object to the	11	Q. Sir, specific to this operation, I
12	form.	12	think you testified earlier that a knock and
13	Sergeant, to the extent you can		
14	tell.	13	announce was done; right?
15	THE WITNESS: Yes.	14	A. Yes.
16	BY MR. WEST:	15	Q. How much time passed between the
17	Q. And you also knew that the property	16	door being knocked on and the door being breached?
18	had a rear door which led into a portion of the	17	A. I don't recall.
19	property that was two stories tall; correct?	18	Q. Can you give an estimate or
20		19	approximation?
21	MR. ZURBRIGGEN: Objection to the	20	A. I don't recall that. I couldn't
22	form of the question.	21	tell you that.
	Sergeant, if you can if you	22	Q. And I'm just referring to your
23	know, you can answer.	23	prior testimony.
24	THE WITNESS: I believe the door in	24	I think you stated that you could
	Page 70		Page 72
1	the rear I think was a bump-out. I'm	1	hear a gunshot when Officer Song killed the dog,
2	not recalling if it was two floor in the	2	but you didn't actually see the shooting; correct?
3	rear. I believe it was like some kind	3	A. It was behind me.
4	of a bump-out for the door.	4	Q. But you didn't actually see the
5	BY MR. WEST:	5	shooting; right?
6	Q. So looking at this property from	6	A. No.
7	the angle displayed in Mellody-9, do you think	7	Q. You also didn't see any physical
8	that you should have investigated whether or not	8	evidence that Officer Song had been bitten;
9	the front door led only into a property that led	9	correct?
10	to the first-story apartment on the first floor?	10	MR. ZURBRIGGEN: Object to the
11	MR. ZURBRIGGEN: Object to the form	11	form.
12	of the question.	12	Sergeant, if you know or remember.
13	Sergeant, you can answer and	13	THE WITNESS: I don't recall.
14	explain.	14	BY MR. WEST:
15	THE WITNESS: No, because this is	15	Q. You don't there's no at this
16	not nothing unusual.	16	time you don't recall seeing anything that would
17	BY MR. WEST:	17	indicate he had been bitten; correct?
18	Q. Okay. Did you receive training	18	A. No.
19	with regards to how to conduct reconnaissance for	19	Q. That is correct or not correct?
20	the SWAT unit?	20	A. If you're asking me did I see any
21	A. Yes.	21	evidence that he was bitten at that time, I'm
	11. 100.		going to say, no, I don't know.
	O As part of that training was	1 27	
22	Q. As part of that training, was	22	
22 23	anything ever said about trying to obtain	23	Q. All right. Referring to Mellody-1,
22			

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1	you want. This would will be a quick question.	1	personally participated in a warrant action which
2	I'll pull it out.	2	involved breaching a property?
3	A. Okay.	3	A. Six hundred to 1,000.
4	Q. You were asked, QUESTION: Were you	4	Q. All right. So I think you earlier
5	the first supervisor on the scene?	5	said that there was a conversation that happened
6	ANSWER: Yes, me and Lieutenant	6	at the staging area; right? Is that correct or
7	Monk.	7	not?
8	Could you elaborate what that would	8	A. With detectives?
9	mean?	9	Q. At some point was there a brief
10	A. So when we go walk up to the	10	given to the members of the SWAT unit about this
11	property, it's called a stack. I was the	11	operation?
12	second-floor team. And Lieutenant Monk was	12	A. What was the previous question,
13	first-floor team. And we walk in a single file	13	what was that?
14	line. You have the breachers, the team for the	14	Q. I'll strike that question. Let me
15	first floor and the team for the second floor	15	ask you a new question.
16	walking in the line.	16	At some point, was there a briefing
17	Q. And you were on the second-floor	17	given to the other members of the SWAT unit as far
18	team; right?	18	as how this operation was going to be conducted?
19	A. Correct.	19	A. Yes.
20	Q. Who was the overall supervisor of	20	Q. Who gave the briefing?
21	the SWAT unit that day?	21	A. I believe I did.
22	A. Lieutenant Monk because he's higher	22	Q. Okay. So could you tell us
23	rank.	23	everything you can remember about what you
24	Q. Okay. Did you hear Lieutenant Monk	24	actually said?
	Page 74		Page 76
1			
_	order for the property to be breached?	1	MR. ZURBRIGGEN: Object to the
2	order for the property to be breached? A. I did.	1 2	MR. ZURBRIGGEN: Object to the form.
2	A. I did.	2	form.
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2 3 4	A. I did. Q. Do you know why he ordered the property be breached at that time?	2 3 4	form. THE WITNESS: I don't recall what I said at that particular warrant.
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	Page 77		Page 79
1	property is.	1	THE WITNESS: So, again, behind
2	Q. Why?	2	these doors we don't know what we're
3	A. Did you say why?	3	walking into. So normally 99.9 percent
4	Q. Yes.	4	usually it's a hallway with a door to
5	A. That's how we do it. There's	5	the left to the first-floor apartment.
6	always because you never know what's inside the	6	So we hit the door. Both teams go up
7	property. There's always a first-floor entry	7	the stairs to the second floor.
8	team, a second-floor entry team if it's an	8	BY MR. WEST:
9	apartment or a two-story building. If there's a	9	Q. Okay.
10	third-story building there would be three teams	10	A. And even then we don't know what
11	going in.	11	the second floor gives us.
12	Q. So when you gave a briefing, where	12	Q. But when you gave the briefing for
13	did you tell the first-floor entry team they were	13	this operation, what specifically did you tell the
14	going to be going in this operation?	14	other members of the SWAT unit about the first
15	A. Second floor rear.	15	floor?
16	Q. Okay. So you had a second-floor	16	MR. ZURBRIGGEN: Object as asked
17	team and they were going to go to the second floor	17	and answered.
18	rear: correct?	18	Go ahead, Sergeant, you can answer.
19	A. No.	19	THE WITNESS: We didn't know that
20	Q. The second-floor team wasn't going	20	the door led to the first floor.
21	to go to the second floor rear?	21	BY MR. ZURBRIGGEN:
22	A. When we breached the door both	22	Q. Did you tell them anything about
23	teams were going to go to the second-floor	23	the first floor?
24	apartment. That was the initial plan.	24	MR. ZURBRIGGEN: Same objection.
	aparamenta That was are mana plant		
	Page 78		D 00
	rage / c		Page 80
1	Q. Okay. So what's the point of	1	Sergeant?
1 2	Q. Okay. So what's the point of having two separate entry teams if you're going to	1 2	
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2	Q. Okay. So what's the point of having two separate entry teams if you're going to the same place? A. What's the point of two?	2	Sergeant? THE WITNESS: No. BY MR. WEST: Q. Okay.
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1	Page 81		Page 83
	Q. Okay. But as part of the	1	form.
2	reconnaissance, should you have tried to figure	2	Sergeant, if you understand it, you
3	out if the first floor was occupied?	3	can answer.
4	MR. ZURBRIGGEN: Object to form.	4	THE WITNESS: Yeah, I understand.
5	THE WITNESS: Again, we don't know	5	Again, I have to see what time the job
6	what's behind these doors. They give us	6	came in. Like, again, we get these jobs
7	a location. We recon the best we can.	7	and we're doing them like three, four
8	You can't look inside windows and doors	8	hours later.
9	and knock on doors and tell them we're	9	BY MR. WEST:
10	coming. We breach the doors and	10	Q. As I think you said earlier, that
11	whatever is behind that door we figure	11	there was a physical surveillance done of the
12	it out.	12	property; is that right?
13	BY MR. WEST:	13	A. Correct.
14	Q. All right. But could you please	14	Q. And that was done by you,
15	answer the question I'm asking? As part of the	15	personally?
16	reconnaissance, should you have tried to figure	16	A. Correct.
17	out if the first floor was occupied?	17	Q. What time of day?
18	I think that's a yes-or-no	18	A. I don't recall.
19	question.	19	Q. Do you remember if it was dark or
20	MR. ZURBRIGGEN: And an objection	20	light out?
21	to form.	21	A. It was probably light out because I
22	Sergeant, you can answer.	22	work last out, 11:00 p.m. to 7:00 a.m.
23	THE WITNESS: Yes.	23	Q. Okay. Did you attempt to contact
24	BY MR. WEST:	24	anybody who had ever been inside of the 4664
	7.00		2 04
	Page 82		Page 84
1	Q. Did you make any effort to figure	1	Torresdale property to obtain information about
2	out if the first floor was occupied?	2	which doors led to which apartments?
3	MR. ZURBRIGGEN: Same objection.		A NT
- 1	THE MENECO IC	3	A. No.
4	THE WITNESS: If you're asking me,	4	Q. Did you contact any other source of
5	that would be a no.	4 5	Q. Did you contact any other source of information to try to gain that knowledge?
5 6	that would be a no. BY MR. WEST:	4 5 6	Q. Did you contact any other source of information to try to gain that knowledge? MR. ZURBRIGGEN: Objection to the
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that would be a no. BY MR. WEST: Q. At the staging area, did you — strike the question. As part of the briefing prior to the execution of this warrant, did you discuss whether or not there were any dogs on the property? A. No, I don't believe so. I don't recall. Q. Did you review any Internet information source as part of your reconnaissance other than Google Maps? A. I don't recall. Q. Is there any reason why the property owner or property manager was not contacted as part of the reconnaissance to try to	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Did you contact any other source of information to try to gain that knowledge? MR. ZURBRIGGEN: Objection to the form. Sergeant, to the extent you know. THE WITNESS: No. That's usually the detectives would handle that. BY MR. WEST: Q. Okay. You personally did not; correct? A. No. Q. And when you ordered for the Torresdale Avenue door to the building to be breached A. I didn't order that. Q. Okay. When you designed the operation for the SWAT unit to enter through the Torresdale Avenue entry, did you believe that you

	Page 85		Page 87
1	Sergeant, to the extent you	1	the location before they give us a call to go out
2	understand, you can answer.	2	and do the warrant for the location.
3	THE WITNESS: Every door we breach	3	Q. Did the detective unit tell you if
4	is unknown.	4	you should go through the front door or the back
5	BY MR. WEST:	5	door?
6	Q. Okay. So when you designed this	6	A. No.
7	operation, you did not know what was on the other	7	Q. I'm sorry, we're going through
8	side of the Torresdale Avenue door; correct?	8	stuff faster than I expected. I'm actually
9	A. Correct.	9	skipping over some questions. That's why I'm
10	Q. Did you do anything whatsoever to	10	taking a minute.
11	try to learn whether or not the door led to the	11	Did you ever speak with Ms.
12	first-floor apartment?	12	Alvarado?
13	MR. ZURBRIGGEN: Object to the	13	A. No.
14	form.	14	Q. All right. So as part of your SWAT
15	Sergeant?	15	unit training, did you receive any training as far
16	THE WITNESS: Visually looking at	16	as how you should handle interactions with dogs
17	the property.	17	while trying to carry out warrant enforcement
18	BY MR. WEST:	18	operations?
19	Q. If a reconnaissance had been done	19	MR. ZURBRIGGEN: Object to the
20	of the property you could have seen that people	20	form.
21	were coming in and out of the front door; couldn't	21	Sergeant, to the extent you know.
22	you?	22	THE WITNESS: No, that's not a
23	A. Not at 3:00 in the morning.	23	that's you come out of the Academy, go
24	Q. But if you had done it at another	24	to these houses, you deal with dogs all
	Q. Zur I you mu done to at anomo.		
	Page 86		B 00
	rage oo		Page 88
1	time of day?	1	the time. And you deal with them
1 2		1 2	
	time of day?		the time. And you deal with them
2	time of day? A. I work 11:00 to 7:00.	2	the time. And you deal with them accordingly of what the dog is doing
2	time of day? A. I work 11:00 to 7:00. Q. Are you the only person at the SWAT	2 3	the time. And you deal with them accordingly of what the dog is doing towards you.
2 3 4	time of day? A. I work 11:00 to 7:00. Q. Are you the only person at the SWAT unit who can do reconnaissance or could someone	2 3 4	the time. And you deal with them accordingly of what the dog is doing towards you. BY MR. WEST:
2 3 4 5	time of day? A. I work 11:00 to 7:00. Q. Are you the only person at the SWAT unit who can do reconnaissance or could someone else have done it? MR. ZURBRIGGEN: Object to the form.	2 3 4 5	the time. And you deal with them accordingly of what the dog is doing towards you. BY MR. WEST: Q. Okay. But did you ever receive any specific training from the Philadelphia Police Department at any time as far as how you should
2 3 4 5 6	time of day? A. I work 11:00 to 7:00. Q. Are you the only person at the SWAT unit who can do reconnaissance or could someone else have done it? MR. ZURBRIGGEN: Object to the	2 3 4 5 6	the time. And you deal with them accordingly of what the dog is doing towards you. BY MR. WEST: Q. Okay. But did you ever receive any specific training from the Philadelphia Police
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1	Page 89		Page 91
	you.	1	insight as to whether or not that property might
2	Q. All right. You can put that down	2	be occupied?
3	then.	3	MR. ZURBRIGGEN: Object to the form
4	A. (Witness complies.)	4	of the question.
5	Q. So we've done a lot of depositions	5	Sergeant, you can answer.
6	in this case already. I can represent to you that	6	THE WITNESS: Occupied means that
7	prior officers testified that they could hear the	7	dog bark could be coming from the
8	dog barking before the property was breached.	8	second, first floor, basement.
9	Is that consistent with your memory	9	BY MR. WEST:
10	as well, could you actually, let me rephrase	10	Q. Okay. So that didn't cause you at
11	the question.	11	all to second guess maybe you guys might be going
12	Did you hear the dog barking before	12	into the first-floor apartment?
13	the property was broached?	13	A. No.
14	A. Yes.	14	Q. Did you ever receive any training
15	Q. Okay. So since you knew that there	15	from the SWAT unit as far as how you should
16	was a dog inside of the property, were any	16	conduct reconnaissance operations as part of the
17	preparations made, to your knowledge, by anybody	17	SWAT unit?
18	as part of the SWAT unit to handle a likely dog	18	MR. ZURBRIGGEN: Objection as asked
19	encounter?	19	and answered.
20	MR. ZURBRIGGEN: Object to the	20	Go ahead, Sergeant, you can answer
21	form.	21	again.
22	But, Sergeant, to the extent you	22	THE WITNESS: Yes, sir.
23	can answer.	23	BY MR. WEST:
24	THE WITNESS: Not to my knowledge,	24	Q. Was all of that training oral or
	5 00		2 00
	Page 90		Page 92
1	no.	1	was any of that training in writing?
			MD ZIIDDDIGGEN G 1' '
2	BY MR. WEST:	2	MR. ZURBRIGGEN: Same objection.
3	Q. Okay. For example, this document	3	THE WITNESS: If you're saying if
3 4	Q. Okay. For example, this document here talks about alternative methods to handle a	3 4	THE WITNESS: If you're saying if there's something like some kind of
3 4 5	Q. Okay. For example, this document here talks about alternative methods to handle a dog encounter is like getting a dog noose, OC	3 4 5	THE WITNESS: If you're saying if there's something like some kind of documentation, I believe so.
3 4 5 6	Q. Okay. For example, this document here talks about alternative methods to handle a dog encounter is like getting a dog noose, OC spray.	3 4 5 6	THE WITNESS: If you're saying if there's something like some kind of documentation, I believe so. BY MR. WEST:
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20 Do y 21 A. Yes 22 Q. Hav 23 before? 24 A. Yes 1 Q. V 2 A. V 3 over SOPs		19	
21 A. Yes 22 Q. Hav 23 before? 24 A. Yes 1 Q. V 2 A. V 3 over SOPs		1	unit always allow 30 seconds at a minimum between
22 Q. Hav 23 before? 24 A. Yes 1 Q. V 2 A. V 3 over SOPs		20	knocking on a property and breaching it?
23 before? 24 A. Yes 1 Q. V 2 A. V 3 over SOPs	S.	21	A. You could say that, yes.
1 Q. V. 2 A. V. 3 over SOPs	ve you ever seen this document	22	Q. Is it true or not true?
1 Q. V 2 A. V 3 over SOPs		23	A. True.
2 A. V 3 over SOPs	3.	24	Q. And was at least a minimum of 30
2 A. V 3 over SOPs			
2 A. V 3 over SOPs	Page 94		Page 96
3 over SOPs	When have you seen it?	1	seconds allowed to pass between the front door of
	We train every once a week. We go	2	the Torresdale Avenue door of the 4664 strike
4 Q. (3 4	the question.
r	Okay. Sir, if you switch to the ge of this document?	5	Did at least 30 seconds pass
		6	between the front door of Ms. Alvarado's apartment
	(Witness complies.) It describes the knock and announce	7	I mis-worded that. I'm sorry. New question. Did at least 30 seconds pass
-	it describes the knock and announce	8	between the front door to Ms. Alvarado's apartment
8 rule. 9 It	core that it mode to be	9	-
	says that it needs to be nder these circumstances; right?	10	being knocked on and her apartment being breached?
	Correct.	11	MR. ZURBRIGGEN: Objection to the form. And it's asked and answered.
	And if we go down to 2b it says,	12	Go ahead.
	r shall await a response for a	13	THE WITNESS: I don't recall the
	period of time after their announcement	14	actual time, no.
	ing entry into the property.	15	BY MR. WEST:
	o you see that?	16	Q. Do you know if it was more or less
	Yes.	17	than 30 seconds?
	What does that what do those	18	MR. ZURBRIGGEN: Same objection.
_	n, to your understanding?	19	Go ahead.
		20	THE WITNESS: I don't recall. I
	IR ZURBRIGGEN: Object to the	21	couldn't tell you.
	IR. ZURBRIGGEN: Object to the Object as asked and answered	22	BY MR. WEST:
	. Object as asked and answered.	23	Q. What, if any, method did the SWAT
	Object as asked and answered. o ahead, Sergeant.		Z. Trian, if any, memor and the SWAI
Z Z KIIOC	. Object as asked and answered.	24	unit follow as of June 2021, in your experience,

	Page 97		Page 99
1	in order to ensure that at least 30 seconds passed	1	marked for identification.)
2	before a property was breached after a knock and	2	
3	announce rule was first called?	3	BY MR. WEST:
4	MR. ZURBRIGGEN: Object to the	4	Q. Have you ever seen this document
5	form.	5	before right now?
6	Sergeant, to the extent you	6	A. Yes.
7	understand.	7	Q. When?
8	THE WITNESS: So you're asking me	8	A. I don't recall. We go over our
9	what kind of method, are you saying like	9	SOPs.
10	a watch or something?	10	Q. All right. So when you it says,
11	BY MR. WEST:	11	SWAT Unit Reconnaissance And Intelligence; right,
12	Q. Yes. Let me make it a simpler	12	SOP 28?
13	question.	13	A. Correct.
14	So as of June 2021 when a member of	14	Q. When you conducted the
15	the SWAT unit would knock on the door of someone's	15	reconnaissance for the 4664 Torresdale Avenue
16	property to begin following the knock and announce	16	property, were you required to comply with the
17	rule, what sort of method, if any, was in place to	17	terms of this SOP?
18	ensure that at least 30 seconds passed before the	18	MR. ZURBRIGGEN: Objection to the
19	apartment was breached?	19	form.
20	MR. ZURBRIGGEN: Same objection to	20	Sergeant; if you know.
21	the form.	21	THE WITNESS: These are guidelines.
22	Sergeant?	22	They're more of guidelines.
23	THE WITNESS: Three knocks or more.	23	BY MR. WEST:
24	BY MR. WEST:	24	Q. So you were not required to not
	Page 98		Page 100
1	Q. Okay. Can you show us what that	1	follow these; am I correct?
1 2	Q. Okay. Can you show us what that looks like?	2	follow these; am I correct? MR. ZURBRIGGEN: Same objection.
	Q. Okay. Can you show us what that looks like? A. Actually, no.	2 3	follow these; am I correct? MR. ZURBRIGGEN: Same objection. THE WITNESS: I wouldn't say that;
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. Can you show us what that looks like? A. Actually, no. Q. Why not? A. Because it's going to have two breachers, one with a ram, one with a Halligan. The Halligan guy's knocking on the door. I'm usually the third person back. And it's kind of like visually it's just two other — I don't physically knock on the door. Our breachers knock on the door and they give three knocks or more. And I make the decision to breach the door. Q. Okay. So you physically have never knocked on a door as part of a knock and announce operation? A. Correct. Q. But, in your experience, the door would be knocked on at least three times before you break someone's door down; right? A. Three or more.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	follow these; am I correct? MR. ZURBRIGGEN: Same objection. THE WITNESS: I wouldn't say that; but they're more guidelines to what we do. BY MR. WEST: Q. Okay. So if we go down to Number 3, Survey Examples, it says, there can never be too much tactical information. Listed on this documents are minimal examples of necessary information. Do you see that? A. Correct. Q. So would you ever send a team out to breach a property without complying with this list of strike the question. Would you ever send a team out to breach someone's front door without conducting enough reconnaissance to ensure that you had at least this minimum amount of information? A. Correct. This is the standard. Q. Okay. So if we go down, for
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. Can you show us what that looks like? A. Actually, no. Q. Why not? A. Because it's going to have two breachers, one with a ram, one with a Halligan. The Halligan guy's knocking on the door. I'm usually the third person back. And it's kind of like visually it's just two other I don't physically knock on the door. Our breachers knock on the door and they give three knocks or more. And I make the decision to breach the door. Q. Okay. So you physically have never knocked on a door as part of a knock and announce operation? A. Correct. Q. But, in your experience, the door would be knocked on at least three times before you break someone's door down; right? A. Three or more. MR. WEST: Okay. Let's mark this	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	follow these; am I correct? MR. ZURBRIGGEN: Same objection. THE WITNESS: I wouldn't say that; but they're more guidelines to what we do. BY MR. WEST: Q. Okay. So if we go down to Number 3, Survey Examples, it says, there can never be too much tactical information. Listed on this documents are minimal examples of necessary information. Do you see that? A. Correct. Q. So would you ever send a team out to breach a property without complying with this list of strike the question. Would you ever send a team out to breach someone's front door without conducting enough reconnaissance to ensure that you had at least this minimum amount of information? A. Correct. This is the standard. Q. Okay. So if we go down, for

	Page 101		Page 103
1	have about how the property at 4664 Torresdale	1	a dog bowl or nothing like that.
2	Avenue was constructed before you broke down Ms.	2	Q. Isn't it true at this property
3	Alvarado's front door?	3	there was actually a sign on the front door that
4	A. So looking at the picture knowing	4	said beware of dog?
5	that's an apartment building you have a door to	5	MR. ZURBRIGGEN: Object to the
6	the right and windows to the left. You've got two	6	form, but to the extent you can recall.
7	mailboxes on the front door. 99.9 percent of the	7	THE WITNESS: I don't recall that.
8	time that door is going to lead to a hallway with	8	BY MR. WEST:
9	a stairwell in it, door to the right.	9	Q. But if there was you didn't see it;
10	Q. But you hadn't actually obtained	10	right?
11	any information about the interior layout of the	11	A. No.
12	property; correct?	12	Q. Moving down to this document is
13	MR. ZURBRIGGEN: Sergeant, if you	13	obviously mis-numbered, but Number 2 on the second
14	can explain.	14	page, it says, Occupants; right?
15	THE WITNESS: Yeah, that's hard to	15	A. Okay.
16	do.	16	-
	BY MR. WEST:	17	
17			to determine who the other occupants of the
18	Q. I'm just saying in this particular	18	building were?
19	situation you hadn't actually obtained any	19	A. Well, knowing it was an apartment,
20	information about the interior of the property;	20	the first floor the first floor was probably
21	correct?	21	out of play until you hit the door and then you
22	MR. ZURBRIGGEN: Same objection.	22	find out it's not an apartment.
23	THE WITNESS: No.	23	Q. Okay. What, if any, effort did you
24	BY MR. WEST:	24	make to determine who occupied the first floor?
	Page 102		Dama 104
	rage 102		Page 104
1	Q. It is correct or not correct?	1	MR. ZURBRIGGEN: Object to the
1 2		1 2	
	Q. It is correct or not correct?		MR. ZURBRIGGEN: Object to the
2	Q. It is correct or not correct?A. It's correct.	2	MR. ZURBRIGGEN: Object to the form.
2	Q. It is correct or not correct?A. It's correct.Q. It lists that you should figure out	2 3	MR. ZURBRIGGEN: Object to the form. Sergeant, if you understand the
2 3 4	Q. It is correct or not correct?A. It's correct.Q. It lists that you should figure out if there's dogs; right?	2 3 4	MR. ZURBRIGGEN: Object to the form. Sergeant, if you understand the question.
2 3 4 5	Q. It is correct or not correct?A. It's correct.Q. It lists that you should figure out if there's dogs; right?A. Correct.	2 3 4 5	MR. ZURBRIGGEN: Object to the form. Sergeant, if you understand the question. THE WITNESS: So you're asking me
2 3 4 5 6	 Q. It is correct or not correct? A. It's correct. Q. It lists that you should figure out if there's dogs; right? A. Correct. Q. Prior to the officers standing on 	2 3 4 5 6	MR. ZURBRIGGEN: Object to the form. Sergeant, if you understand the question. THE WITNESS: So you're asking me if I called anybody to find out if
2 3 4 5 6 7	 Q. It is correct or not correct? A. It's correct. Q. It lists that you should figure out if there's dogs; right? A. Correct. Q. Prior to the officers standing on the steps leading to Ms. Alvarado's front door, 	2 3 4 5 6 7	MR. ZURBRIGGEN: Object to the form. Sergeant, if you understand the question. THE WITNESS: So you're asking me if I called anybody to find out if somebody occupies the first floor? BY MR. WEST: Q. I'm just asking what, if any,
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2 3 4 5 6 7 8 9	Q. It is correct or not correct? A. It's correct. Q. It lists that you should figure out if there's dogs; right? A. Correct. Q. Prior to the officers standing on the steps leading to Ms. Alvarado's front door, did you know if there were any dogs on the property? A. No. Q. Had you made any effort to	2 3 4 5 6 7 8	MR. ZURBRIGGEN: Object to the form. Sergeant, if you understand the question. THE WITNESS: So you're asking me if I called anybody to find out if somebody occupies the first floor? BY MR. WEST: Q. I'm just asking what, if any, effort did you make as part of your reconnaissance to determine who occupied the first floor?
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	Page 105		Page 107
1	THE WITNESS: Marked vehicle,	1	there was outside footage?
2	uniformed personnel.	2	MR. ZURBRIGGEN: Object to the
3	BY MR. WEST:	3	form.
4	Q. Okay. So you used A, but not	4	Sergeant, again; if you know.
5	you did not use B, C, D or E; correct?	5	THE WITNESS: Didn't know.
6	A. We didn't use a police helicopter,	6	BY MR. WEST:
7	I'll tell you that.	7	Q. Okay. Do you think that what we're
8	Q. Correct. But just so we can kind	8	going to see here is consistent with your prior
9	of move on, you used A, but you not use B, C, D or	9	testimony?
10	E; correct?	10	MR. ZURBRIGGEN: Objection to the
11	A. Yeah, so I went out in a marked	11	form.
12	vehicle, I believe, in uniform. That's what I	12	Sergeant, if you can predict the
13	recall and that's usually how I do it.	13	future, go ahead and answer.
14	MR. WEST: All right. Does anyone	14	THE WITNESS: We'll see, I guess.
15	want a quick break? I want to show you	15	I don't know.
16	some video. Yes, let's take a	16	BY MR. WEST:
17	five-minute break.	17	Q. So I'm going to start play at the
18	THE VIDEOTAPE OPERATOR: Okay.	18	zero second mark. Okay. So I've started the
19	We're going to go off the record at	19	video at the 1.5 mark.
20	12:48 p.m.	20	A. Okay.
21		21	Q. If you'd like me to pause it at any
22	(Whereupon, a discussion took place	22	time, let me know.
23	off the video and stenographic records.)	23	A. Okay.
24		24	Q. I paused it at the 2:17 mark.
	D 106		D 100
_	Page 106		Page 108
1	THE VIDEOTAPE OPERATOR: Going back	1	You can see there's an officer who
2 3	on the record at 12:53 p.m.	2	
		٦	approached the property with a Halligan tool;
	BY MR. WEST:	3	right?
4	Q. All right. Sergeant Mellody, so	4	right? A. Correct.
4 5	Q. All right. Sergeant Mellody, so just to make a clear record, we pulled up on the	4 5	right? A. Correct. Q. And isn't part of the way you
4 5 6	Q. All right. Sergeant Mellody, so just to make a clear record, we pulled up on the screen something that would appear to be a	4 5 6	right? A. Correct. Q. And isn't part of the way you breach someone's door, you have someone with a
4 5 6 7	Q. All right. Sergeant Mellody, so just to make a clear record, we pulled up on the screen something that would appear to be a surveillance footage clip that's not being played	4 5 6 7	right? A. Correct. Q. And isn't part of the way you breach someone's door, you have someone with a Halligan tool will pull the door open a little bit
4 5 6 7 8	Q. All right. Sergeant Mellody, so just to make a clear record, we pulled up on the screen something that would appear to be a surveillance footage clip that's not being played yet. This was produced to us in Discovery by the	4 5 6 7 8	right? A. Correct. Q. And isn't part of the way you breach someone's door, you have someone with a Halligan tool will pull the door open a little bit before the ram goes in?
4 5 6 7 8 9	Q. All right. Sergeant Mellody, so just to make a clear record, we pulled up on the screen something that would appear to be a surveillance footage clip that's not being played yet. This was produced to us in Discovery by the City of Philadelphia. This particular angle is	4 5 6 7 8 9	right? A. Correct. Q. And isn't part of the way you breach someone's door, you have someone with a Halligan tool will pull the door open a little bit before the ram goes in? A. No.
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. All right. Sergeant Mellody, so just to make a clear record, we pulled up on the screen something that would appear to be a surveillance footage clip that's not being played yet. This was produced to us in Discovery by the City of Philadelphia. This particular angle is marked Camera 10. Can you see that? A. Yes. Q. And prior to right now you didn't know that there was any camera footage of this operation; correct? MR. ZURBRIGGEN: Objection to the form. But sergeant; if you know. THE WITNESS: No. BY MR. WEST: Q. And nobody was wearing any body	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	right? A. Correct. Q. And isn't part of the way you breach someone's door, you have someone with a Halligan tool will pull the door open a little bit before the ram goes in? A. No. Q. What's the Halligan tool used for? A. So there's like a screen door. You put the Halligan in the screen door. The ram hits the Halligan. And it puts it in the jam and it rips it back to open the security door. Q. Okay. And so if you have a locked door, wouldn't you use the Halligan to create a little bit of an opening before you have a ram go in? A. No. Q. Okay. What would the Halligan tool be used for here? A. Probably knocking on the door.

	Page 109		Page 111
1	Now, at this point, 2:28 you can	1	know when I don't know when he
2	see someone is ramming the door; correct?	2	started to knock or announce from this
3	A. Correct.	3	video.
4	Q. And then you can see officers	4	BY MR. WEST:
5	entering; right?	5	Q. Okay. And, if you recall, we
6	A. Correct.	6	previously looked at the statements of Lieutenant
7	Q. Okay. At any point in this video,	7	Monk and Officer Murray; right?
8	did you see a knock and announce?	8	A. Correct.
9	A. No, I did not.	9	Q. And Officer Murray is the man with
10	•	10	the Halligan tool; right?
	Q. Okay. Is that consistent	11	-
11	A. Well, I should say, okay, I don't		MR. ZURBRIGGEN: To the extent you
12	know what he was saying. Like I couldn't see if	12	know.
13	he was tapping the door with the Halligan or what	13	THE WITNESS: From the video, I
14	he was saying. I shouldn't have said that.	14	guess.
15	Q. Okay.	15	BY MR. WEST:
16	A. If he was up against that door, I	16	Q. Okay.
17	don't know what he was saying or what he was doing	17	A. Like I can't definitely say that's
18	with the Halligan from the video.	18	him from the video because we're all dressed the
19	Q. But even if the person with the	19	same.
20	Halligan tool had knocked on the door, was that a	20	Q. And Officer Clark is the man with
21	reasonable amount of time before the door got	21	the ram; right?
22	breached with the ram?	22	MR. ZURBRIGGEN: Same objection.
23	MR. ZURBRIGGEN: Object to the	23	Sergeant; if you can tell.
24	form.	24	THE WITNESS: I believe so.
			Page 112
1	Sergeant, you can answer; if you	1	BY MR. WEST:
2	• • •	_	D I IIII (
	can.	2	O. Okay. Did vou see Officer Clark
3	can. THE WITNESS: So I didn't make that		Q. Okay. Did you see Officer Clark make any effort whatsoever to knock on that door
3	THE WITNESS: So I didn't make that	3	make any effort whatsoever to knock on that door
4	THE WITNESS: So I didn't make that call. So Lieutenant Monk made that call	3 4	make any effort whatsoever to knock on that door before he rammed it open?
4 5	THE WITNESS: So I didn't make that call. So Lieutenant Monk made that call to breach that door. So I can't answer	3 4 5	make any effort whatsoever to knock on that door before he rammed it open? MR. ZURBRIGGEN: Same objection.
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	Page 113		Page 115
1	THE WITNESS: Can I see it real	1	Sergeant, you can answer.
2	time?	2	THE WITNESS: So I'm going to say
3	BY MR. WEST:	3	visually looking at that video, no, but
4	Q. Do you mean you want me to start	4	I don't know what the circumstances were
5	over?	5	and what the lieutenant was thinking at
6	A. Yes.	6	that time.
7	Q. Okay.	7	BY MR. WEST:
8	A. Because you stopped before anybody	8	Q. Okay. Assuming there were no
9	went in.	9	exigent circumstances, was this consistent with
10	Q. Fair enough. So I'm going to go	10	the knock and announce rule policies from the
11	back to the 1:35 mark. And I'm going to push	11	Philadelphia Police Department?
12	play. And I'll pause it whenever you tell me to.	12	A. No.
13	Okay?	13	
14	A. Okay.		MR. ZURBRIGGEN: Objection to the
15	Q. So pushing play from 1:35.	14	form.
16	A. Can you do me a favor?	15	THE WITNESS: I'm going to say no.
17	Q. Yes.	16	BY MR. WEST:
18	A. Can you just review that up until	17	Q. Was this consistent with your
19	he walks up to the door for me for a second, can	18	experience, as a member of the SWAT unit, as far
20	you replay that?	19	as how a warrant enforcement action would normally
21		20	be done?
22		21	A. No.
	I paused the video at the 2:34 mark.	22	MR. ZURBRIGGEN: Same objection.
23	And do you want me to go back to	23	THE WITNESS: No.
24	start where I was or from a different place?	24	BY MR. WEST:
	Dana 114		
	Page 114		Page 116
1	A. Where they start walking up.	1	Page 116 Q. How is this different than normal?
1 2		1 2	Q. How is this different than normal?
	A. Where they start walking up.		Q. How is this different than normal?A. From my liking
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	Page 117		Page 119
1	the lieutenant ordered the breach. Like if I	1	like this or is this unique?
2	ordered it, it would be different.	2	MR. ZURBRIGGEN: Object to the
3	Q. Okay. But I'm not asking for a	3	characterization of prior testimony and
4	hypothetical question or I'm not asking for your	4	object to the form.
5	personal opinion.	5	Ahead, Sergeant, you can answer.
6	In your experience as somebody	6	THE WITNESS: That was a first.
7	who's seen, by your prior testimony, hundreds or	7	BY MR. WEST:
8	thousands of warrant enforcement actions, why is	8	O. And what makes this a first?
9	this not typical of how the SWAT unit would	9	A. A little quick.
10	normally do this, if it was not typical?	10	Q. Because they didn't wait enough
11	MR. ZURBRIGGEN: Same objection to	11	time?
12	form.	12	MR. ZURBRIGGEN: Same objection,
13	Sergeant?	13	for the record.
14	THE WITNESS: A little quick to my	14	THE WITNESS: You could say.
15	liking.	15	BY MR. WEST:
16	-	16	
17	BY MR. WEST:	17	Q. Okay. So when I asked you at the
	Q. Because they didn't wait a reasonable amount of time?		beginning of this deposition if this was any different than any other operation, why didn't you
18		18	
19	MR. ZURBRIGGEN: Same objection.	19	tell me, yeah, we went in too quick?
20	THE WITNESS: Like, again, I don't	20	MR. ZURBRIGGEN: Objection to the
21	know what that time is. A reasonable	21	form, particularly argumentative.
22	amount of time is, you know, a	22	Go ahead, Sergeant, you can answer.
23	reasonable amount of time.	23	THE WITNESS: These warrants are
24	BY MR. WEST:	24	all different.
	Page 118		Page 120
1	Q. Did they not wait as long as you	1	D
	Q. Did they not wan as long as you	1	BY MR. WEST:
2	normally expect?	2	BY MR. WEST: Q. Okay. But I'm just asking when I
2	normally expect?	2	Q. Okay. But I'm just asking when I
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	normally expect? A. If I would have done it, no. Q. And, again, I'm not asking you how you would have done it. I'm just asking in your experience based on how it's normally done, is this something you've seen before or is this completely different than any other time you've seen it? MR. ZURBRIGGEN: Same objection, for the record. Sergeant, you can answer. THE WITNESS: If there's exigent circumstances, if there was like someone jumped out a window or a gun comes out the window, we're taking the door. BY MR. WEST: Q. Okay. I can represent to you we've had many people testify in this case previously that there were no exigent circumstances. A. Okay. Q. So assuming that there were no	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. But I'm just asking when I asked you you knew what you were going to be deposed about today; right? A. Right. MR. ZURBRIGGEN: Objection to the form. Go ahead, Sergeant. BY MR. WEST: Q. And you had a chance to review your prior statement and you probably had a chance to try to remember what happened that day; correct? MR. ZURBRIGGEN: Same objection. Go ahead, Sergeant. THE WITNESS: Correct. BY MR. WEST: Q. So at the beginning of this deposition if I asked you if this operation was typical or different, your testimony was typical. Why have you changed your testimony after seeing the video? MR. ZURBRIGGEN: Objection as asked

I	Page 121		Page 123
1	Go ahead, Sergeant, answer again.	1	MR. WEST: Our Bates Stamps didn't
2	THE WITNESS: That's not that's	2	come through. But if you can show it to
3	not what you asked me. Just because you	3	me. It would be in here somewhere.
4	showed me a video don't like change why	4	Okay, whatever. You can ask him.
5	you asked that question and how I	5	
6	answered it.	6	EXAMINATION
7	BY MR. WEST:	7	
8	Q. Isn't it true that if you hadn't	8	BY MR. ZURBRIGGEN:
9	seen this video you would still say that this was	9	Q. Sergeant
10	a typical operation and they followed the knock	10	MR. WEST: We'll mark that as an
11	and announce rule?	11	exhibit; right?
12	MR. ZURBRIGGEN: Objection to form.	12	MR. ZURBRIGGEN: We can mark that
13	Sergeant, you can answer; if you	13	as Exhibit if we're up to Mellody-15?
14	can.	14	THE COURT REPORTER: 14.
15	THE WITNESS: I can't answer. I	15	MR. ZURBRIGGEN: 14. We'll mark
16	don't know. You're asking me if this is	16	this. For the record, it's Bates
17	typical, I'm telling you no. If you're	17	Stamped D 000098. And we'll mark it
18	asking me in the beginning when the	18	Mellody-14 then.
19	interview started if there's anything	19	
20	different, I can't recall that.	20	(Whereupon, Exhibit Mellody-14 was
21	MR. WEST: Okay. That's all I	21	marked for identification.)
22	have.	22	marked for identification.)
23	MR. ZURBRIGGEN: I'll be very	23	BY MR. WEST:
24	brief.	24	Q. Sergeant, I'm going to show you
	C.101.		Z. Songrami, The going to show you
	Page 122		Page 124
1	MR. WEST: Do you want me to leave	1 1	
Ī	,	1	this picture on my computer. Just take a look at
2	this up?	2	that.
2	this up? MR. ZURBRIGGEN: No. But I do have		that. A. (Witness complies.)
	this up? MR. ZURBRIGGEN: No. But I do have a photo I'm going to show him I Bates	2	that. A. (Witness complies.) Q. Do you recognize any of the
3	this up? MR. ZURBRIGGEN: No. But I do have	2 3	that. A. (Witness complies.)
3 4	this up? MR. ZURBRIGGEN: No. But I do have a photo I'm going to show him I Bates	2 3 4	that. A. (Witness complies.) Q. Do you recognize any of the properties on this photograph? A. Could be this one.
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	this up? MR. ZURBRIGGEN: No. But I do have a photo I'm going to show him I Bates Stamped. I'm sorry, I didn't know I was going to ask about it. Can I just give you the Bates Stamp? I can put it on the TV, whatever you want to do. MR. WEST: Yes, you can show it to me. MR. ZURBRIGGEN: Sure. It's Number 98. MR. WEST: Okay. Give me a second. Let me see if I have that. Yes, they didn't come through. THE VIDEOTAPE OPERATOR: Our Bates Stamp Numbers or yours? MR. ZURBRIGGEN: Mine. MR. WEST: Yes, they didn't come through, but this is it.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that. A. (Witness complies.) Q. Do you recognize any of the properties on this photograph? A. Could be this one. (Witness indicating.) Q. Are you indicating the one on the far right of the picture? A. Yeah. Q. What is that property? A. That's the rear location. Q. Okay. And that's the rear entrance to 4664 Torresdale? A. Yes. Q. And you observed that prior to the warrant execution? A. Yes. Q. Okay. I believe you testified a little bit earlier about a bump-out on the rear property. Can you, using this picture,

	Page 125		Page 127
1	A. It's a probably a ten-by-ten square	1	A. No.
2	box off the back of the house with a door and a	2	MR. ZURBRIGGEN: That's all I have.
3	window on it.	3	Keith might be some follow-up based
4	Q. So based on your observation of the	4	on that for you.
5	rear entrance in this property, does that lead you	5	
6	to conclude that that was the entrance to the	6	EXAMINATION
7	second-floor rear apartment?	7	
8	MR. WEST: Objection to the form of	8	BY MR. WEST:
9	the question.	9	Q. Yes. Just you were asked some
10	You can't lead your own witness.	10	questions about the pink arrow.
11	BY MR. ZURBRIGGEN:	11	Is the pink arrow exactly the same
12	Q. Go ahead, you can answer.	12	route that you would have recommended for the SWAT
13	A. No.	13	unit to follow to enter this property if you had
14	Q. Okay. Why not?	14	
15	A. It looks like a door from a kitchen		had the information from the probation and parole
16	off a first floor. Usually that's they are coming	15	office or would you have recommended a different
17	off a bump-out like that, just come off a kitchen	16	route?
18	on the first floor.	17	MR. ZURBRIGGEN: Object to the
19	Q. Was there can you see any	18	form.
20	markings on that rear door from that photograph?	19	Sergeant; you can answer.
21	A. No.	20	THE WITNESS: No. We would have
22	Q. Do you recall any markings on that	21	went to the rear.
23	rear door?	22	BY MR. WEST:
24	A. No.	23	Q. But is it the same as the yellow
24	A. NO.	24	or strike.
	Page 126		Page 128
1	Q. If you don't mind, I'm going to	1	Is it the same route as the pink?
2	borrow that. I'm going to show you what's been	2	A. I don't know because we can come
2			
3	previously marked as Mellody-10.	3	from up Margaret Street. I don't know, because
4	previously marked as Mellody-10. Is that the front of 4664	3 4	
	- · · · · · · · · · · · · · · · · · · ·		our stage could be somewhere east of Torresdale.
4	Is that the front of 4664 Torresdale Avenue?	4	our stage could be somewhere east of Torresdale. Q. I'm going to come around and look
4 5	Is that the front of 4664 Torresdale Avenue? A. Yes.	4 5	our stage could be somewhere east of Torresdale.
4 5 6	Is that the front of 4664 Torresdale Avenue? A. Yes. Q. Okay. Is that how it appeared	4 5 6	our stage could be somewhere east of Torresdale. Q. I'm going to come around and look at the photo. I'm not going to make you
4 5 6 7	Is that the front of 4664 Torresdale Avenue? A. Yes. Q. Okay. Is that how it appeared based on the day of the incident in question,	4 5 6 7	our stage could be somewhere east of Torresdale. Q. I'm going to come around and look at the photo. I'm not going to make you uncomfortable, not that I'm capable of making you uncomfortable.
4 5 6 7 8	Is that the front of 4664 Torresdale Avenue? A. Yes. Q. Okay. Is that how it appeared	4 5 6 7 8	our stage could be somewhere east of Torresdale. Q. I'm going to come around and look at the photo. I'm not going to make you uncomfortable, not that I'm capable of making you uncomfortable.
4 5 6 7 8 9	Is that the front of 4664 Torresdale Avenue? A. Yes. Q. Okay. Is that how it appeared based on the day of the incident in question, based on your recollection? A. Yes.	4 5 6 7 8 9	our stage could be somewhere east of Torresdale. Q. I'm going to come around and look at the photo. I'm not going to make you uncomfortable, not that I'm capable of making you uncomfortable. A. It all depends on the stage. If the stage is somewhere back here
4 5 6 7 8 9	Is that the front of 4664 Torresdale Avenue? A. Yes. Q. Okay. Is that how it appeared based on the day of the incident in question, based on your recollection? A. Yes. Q. Okay. Did you do you observe in	4 5 6 7 8 9	our stage could be somewhere east of Torresdale. Q. I'm going to come around and look at the photo. I'm not going to make you uncomfortable, not that I'm capable of making you uncomfortable. A. It all depends on the stage. If the stage is somewhere back here Q. Yes.
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4 5 6 7 8 9 10 11 12 13	Is that the front of 4664 Torresdale Avenue? A. Yes. Q. Okay. Is that how it appeared based on the day of the incident in question, based on your recollection? A. Yes. Q. Okay. Did you do you observe in this photograph any beware of dog sign? A. No.	4 5 6 7 8 9 10 11	our stage could be somewhere east of Torresdale. Q. I'm going to come around and look at the photo. I'm not going to make you uncomfortable, not that I'm capable of making you uncomfortable. A. It all depends on the stage. If the stage is somewhere back here Q. Yes. A we're coming up this way and making a right in. (Witness indicating.)
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4 5 6 7 8 9 10 11 12 13 14 15 16 17	Is that the front of 4664 Torresdale Avenue? A. Yes. Q. Okay. Is that how it appeared based on the day of the incident in question, based on your recollection? A. Yes. Q. Okay. Did you do you observe in this photograph any beware of dog sign? A. No. Q. Do you recall one, do you recall observing one prior to the execution of the warrant? A. No.	4 5 6 7 8 9 10 11 12 13 14 15	our stage could be somewhere east of Torresdale. Q. I'm going to come around and look at the photo. I'm not going to make you uncomfortable, not that I'm capable of making you uncomfortable. A. It all depends on the stage. If the stage is somewhere back here Q. Yes. A we're coming up this way and making a right in. (Witness indicating.) Q. All right. A. It all depends where the stage is at. Q. All right. Fair enough.
4 5 6 7 8 9 10 11 12 13 14 15 16 17	Is that the front of 4664 Torresdale Avenue? A. Yes. Q. Okay. Is that how it appeared based on the day of the incident in question, based on your recollection? A. Yes. Q. Okay. Did you do you observe in this photograph any beware of dog sign? A. No. Q. Do you recall one, do you recall observing one prior to the execution of the warrant? A. No. Q. I just want to show you what's been	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	our stage could be somewhere east of Torresdale. Q. I'm going to come around and look at the photo. I'm not going to make you uncomfortable, not that I'm capable of making you uncomfortable. A. It all depends on the stage. If the stage is somewhere back here Q. Yes. A we're coming up this way and making a right in. (Witness indicating.) Q. All right. A. It all depends where the stage is at. Q. All right. Fair enough. But so if you're in the part of the
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Is that the front of 4664 Torresdale Avenue? A. Yes. Q. Okay. Is that how it appeared based on the day of the incident in question, based on your recollection? A. Yes. Q. Okay. Did you do you observe in this photograph any beware of dog sign? A. No. Q. Do you recall one, do you recall observing one prior to the execution of the warrant? A. No. Q. I just want to show you what's been previously marked as Mellody-7.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	our stage could be somewhere east of Torresdale. Q. I'm going to come around and look at the photo. I'm not going to make you uncomfortable, not that I'm capable of making you uncomfortable. A. It all depends on the stage. If the stage is somewhere back here Q. Yes. A we're coming up this way and making a right in. (Witness indicating.) Q. All right. A. It all depends where the stage is at. Q. All right. Fair enough. But so if you're in the part of the prop of the arrow that comes before Margaret
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Is that the front of 4664 Torresdale Avenue? A. Yes. Q. Okay. Is that how it appeared based on the day of the incident in question, based on your recollection? A. Yes. Q. Okay. Did you do you observe in this photograph any beware of dog sign? A. No. Q. Do you recall one, do you recall observing one prior to the execution of the warrant? A. No. Q. I just want to show you what's been previously marked as Mellody-7. Sergeant, just for the record, did	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	our stage could be somewhere east of Torresdale. Q. I'm going to come around and look at the photo. I'm not going to make you uncomfortable, not that I'm capable of making you uncomfortable. A. It all depends on the stage. If the stage is somewhere back here Q. Yes. A we're coming up this way and making a right in. (Witness indicating.) Q. All right. A. It all depends where the stage is at. Q. All right. Fair enough. But so if you're in the part of the prop of the arrow that comes before Margaret Street, if we started from Margaret Street to the
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Is that the front of 4664 Torresdale Avenue? A. Yes. Q. Okay. Is that how it appeared based on the day of the incident in question, based on your recollection? A. Yes. Q. Okay. Did you do you observe in this photograph any beware of dog sign? A. No. Q. Do you recall one, do you recall observing one prior to the execution of the warrant? A. No. Q. I just want to show you what's been previously marked as Mellody-7. Sergeant, just for the record, did you create this photograph in Mellody-7?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	our stage could be somewhere east of Torresdale. Q. I'm going to come around and look at the photo. I'm not going to make you uncomfortable, not that I'm capable of making you uncomfortable. A. It all depends on the stage. If the stage is somewhere back here Q. Yes. A we're coming up this way and making a right in. (Witness indicating.) Q. All right. A. It all depends where the stage is at. Q. All right. Fair enough. But so if you're in the part of the prop of the arrow that comes before Margaret Street, if we started from Margaret Street to the rear door, is that the route that you would have
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Is that the front of 4664 Torresdale Avenue? A. Yes. Q. Okay. Is that how it appeared based on the day of the incident in question, based on your recollection? A. Yes. Q. Okay. Did you do you observe in this photograph any beware of dog sign? A. No. Q. Do you recall one, do you recall observing one prior to the execution of the warrant? A. No. Q. I just want to show you what's been previously marked as Mellody-7. Sergeant, just for the record, did you create this photograph in Mellody-7? A. No.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	our stage could be somewhere east of Torresdale. Q. I'm going to come around and look at the photo. I'm not going to make you uncomfortable, not that I'm capable of making you uncomfortable. A. It all depends on the stage. If the stage is somewhere back here Q. Yes. A we're coming up this way and making a right in. (Witness indicating.) Q. All right. A. It all depends where the stage is at. Q. All right. Fair enough. But so if you're in the part of the prop of the arrow that comes before Margaret Street, if we started from Margaret Street to the rear door, is that the route that you would have recommended?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Is that the front of 4664 Torresdale Avenue? A. Yes. Q. Okay. Is that how it appeared based on the day of the incident in question, based on your recollection? A. Yes. Q. Okay. Did you do you observe in this photograph any beware of dog sign? A. No. Q. Do you recall one, do you recall observing one prior to the execution of the warrant? A. No. Q. I just want to show you what's been previously marked as Mellody-7. Sergeant, just for the record, did you create this photograph in Mellody-7? A. No. Q. Did you create the I'm sorry	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	our stage could be somewhere east of Torresdale. Q. I'm going to come around and look at the photo. I'm not going to make you uncomfortable, not that I'm capable of making you uncomfortable. A. It all depends on the stage. If the stage is somewhere back here Q. Yes. A we're coming up this way and making a right in. (Witness indicating.) Q. All right. A. It all depends where the stage is at. Q. All right. Fair enough. But so if you're in the part of the prop of the arrow that comes before Margaret Street, if we started from Margaret Street to the rear door, is that the route that you would have recommended? A. Most likely.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Is that the front of 4664 Torresdale Avenue? A. Yes. Q. Okay. Is that how it appeared based on the day of the incident in question, based on your recollection? A. Yes. Q. Okay. Did you do you observe in this photograph any beware of dog sign? A. No. Q. Do you recall one, do you recall observing one prior to the execution of the warrant? A. No. Q. I just want to show you what's been previously marked as Mellody-7. Sergeant, just for the record, did you create this photograph in Mellody-7? A. No.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	our stage could be somewhere east of Torresdale. Q. I'm going to come around and look at the photo. I'm not going to make you uncomfortable, not that I'm capable of making you uncomfortable. A. It all depends on the stage. If the stage is somewhere back here Q. Yes. A we're coming up this way and making a right in. (Witness indicating.) Q. All right. A. It all depends where the stage is at. Q. All right. Fair enough. But so if you're in the part of the prop of the arrow that comes before Margaret Street, if we started from Margaret Street to the rear door, is that the route that you would have recommended?

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 1
             objection.
 2
                MR. WEST: All right. Okay. I
 3
             have no more questions.
                MR. ZURBRIGGEN: None for me. I
 4
 5
             just need to designate on the record, I
 6
             think there was one mention of xxxxxxx
 7
             xxx. So while the Confidentiality Order
 8
             is in place we'll designate that
 9
             confidential.
10
                THE VIDEOTAPE OPERATOR: We are
11
             concluding this deposition at 1:12 p.m.
12
13
                (Whereupon, the deposition
14
             concluded at 1:12 p.m.)
15
16
17
18
19
20
21
22
23
24
                                           Page 130
 1
 2
 3
                   CERTIFICATION
 4
 5
                  I, DOUGLAS S. DIAMOND, hereby
 6
        certify that the foregoing is a true and correct
 7
        transcript transcribed from the stenographic notes
 8
        taken by me on Wednesday, October 11, 2023.
 9
10
11
              DOUGLAS S. DIAMOND
12
              Court Reporter - Notary Public
13
                 (This certification does not apply
14
        to any reproduction of this transcript, unless
15
        under the direct supervision of the certifying
16
        reporter.)
17
18
19
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EXHIBIT "P"

Transcript of the Testimony of: Officer Edward Song

Date: May 15, 2023

Case: Alvarado v. City of Philadelphia

Diamond Court Reporting Phone:856-589-1107

Fax:856-589-4741

Email:dcr.diamond@comcast.net

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          IN THE COURT OF COMMON PLEAS
          PHILADELPHIA, PENNSYLVANIA
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                                                                        INDEX
          MAJOR JURY TRIAL DEMANDED
      FELISHATAY ALVARADO,
                                                           4
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                                                                 WITNESS
                                                                                 PAGE
          Plaintiff (s)
                                                           6
                                                                OFFICER EDWARD SONG
                      : JUNE TERM, 2022
      CITY OF PHILADELPHIA,
                                                           8
                      : NO.: 01633
                                                           9
                                                                EXAMINATION:
                                                          10
                                                                BY MR. WEST
          Defendant (s)
                                                          11
                                                                BY MR. URBRIGGEN
            Monday, May 15, 2023
                                                          12
                                                          13
         ORAL VIDEOTAPE DEPOSITION of OFFICER
                                                          14
      EDWARD SONG, was taken, pursuant to notice,
      held at the Victims' Recovery Law Center, 121
                                                          15
                                                                       EXHIBITS
      South Broad Street, 18th Floor, Philadelphia
                                                          16
      Pennsylvania 19107, commencing at 10:02 a.m.,
      before LISA HUGHES, Court Reporter and Notary
                                                          17
      Public, there being present:
                                                          18
                                                                EXHIBIT NO. DESCRIPTION
                                                                                               PAGE MARKED
                                                          19
                                                                Song-1
                                                                          photocopy of photograph 27
                                                          20
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                                                                          Philadelphia Police
                                                          21
                                                                       Department Directive
            DIAMOND COURT REPORTING
                                                          22
              406 REDBUD LANE
                                                          23
            MANTUA, NEW JERSEY 08051
               856-589-1107
                                                          24
                                            Page 2
                                                                                                      Page 4
      APPEARANCES:
                                                            1
 2
                                                            2
                                                                             (It is hereby stipulated and
         VICTIMS' RECOVERY LAW CENTER
                                                                        agreed by and between counsel for
         BY: KEITH T. WEST, ESQUIRE
                                                            4
            121 South Broad Street
                                                                        respective parties that reading,
            18th Floor
                                                            5
                                                                        signing, sealing, certification and
            Philadelphia, Pennsylvania 19107
                                                            6
                                                                        filing are waived and that all
            Phone: (215) 546-1433
                                                            7
            keith@victimrecoverylaw.com.com
                                                                        objections, except as to the form of
            Representing the Plaintiff
                                                            8
                                                                        questions, be reserved until the
                                                            9
                                                                        time of trial and that any objection
 8
         CITY OF PHILADELPHIA LAW DEPARTMENT
                                                           10
                                                                        by one defense counsel will inure to
         BY: ADAM R. ZURBRIGGEN, ESQUIRE
 9
            One Parkway Building
                                                           11
                                                                        the benefit of all other defense
            1515 Arch Street, 16th Floor
                                                           12
                                                                        counsel present.)
10
            Philadelphia, Pennsylvania 19102
                                                           13
            Phone: (215) 683-5114
11
            adam.zurbriggen@phila.gov
                                                           14
                                                                             THE VIDEOGRAPHER: This is
            Representing the Defendants
                                                           15
                                                                        the audio video deposition for use
12
                                                           16
                                                                        at trial in the matter of Felishatay
13
14
                                                           17
                                                                        Alvarado v. City of Philadelphia, et
15
      ALSO PRESENT:
                                                           18
                                                                        al. GD #22-3763 and I'm the video
16
      SAMANTHA DIBONA, VIDEOGRAPHER
                                                           19
17
                                                                        operator. My name is Samantha
18
                                                           20
                                                                        Dibona and I'm employed by the
19
                                                           21
                                                                        Victims' Recovery Law Center.
20
                                                           22
                                                                        My address is, 121 South Broad
21
22
                                                           23
                                                                        Street, 18th Floor, Philadelphia,
23
                                                           24
                                                                        Pennsylvania 19107. Today's date is
2.4
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1 (Pages 1 to 4)

	Page 5		Page 7
1	May 15, 2023 at 10:02 a.m.	1	difference is everything we're saying has to
2	This deposition is being	2	be written down by the court reporter. So
3	performed in person. The caption in	3	you're actually doing exactly what you're
4	this case is Alverado v. City of	4	supposed to do already, but unlike a normal
5	Philadelphia, et al., GD #22-3763.	5	conversation, all of our responses have to be
6	The witness being deposed today is	6	spoken and we can't ever speak at the same
7	Officer Edward Song. This	7	time. Okay?
8	deposition is being taken on behalf	8	A. Okay.
9	of the Plaintiff, Felishatay	9	Q. So your attorney may have an objection
10	Alvarado. The officer taking this	10	at some point. If your attorney begins
11	deposition today is Lisa Hughes and	11	speaking, anyone else begins speaking, just
12	she shall swear in the witness at	12	please pause and then we'll continue. Okay?
13	this time.	13	A. Okay.
14		14	Q. Your only obligation today is to give
15	OFFICER EDWARD SONG,	15	truthful testimony based on your personal
16	having been first duly sworn, was	16	knowledge, so at no point am I going to ask
17	examined and testified as follows:	17	you to guess or speculate, so please just
18		18	give us the information that's available to
19	EXAMINATION	19	you. Okay?
20		20	A. Okay.
21	BY MR. WEST:	21	Q. If you are able to give an estimate or
22	Q. Good morning, Officer Song. My name is	22	an approximation based on partial knowledge,
23	Keith West, I'm one of the attorneys	23	that's also very helpful, we'd ask for you to
24	representing Ms. Alvarado in this lawsuit.	24	give us your estimate or approximation, just
	Davis C		D- 11- 0
1	Page 6	1	Page 8
1 2	How are you doing this morning?	1 2	let us know that's what you're doing. Okay?
3	A. Great. How are you doing?	3	A. Okay.
4	Q. Good. And you've had a chance to confer with your attorney, you're prepared to	4	Q. Boring, but the example we always use is if I asked you how many feet it is to the
5	testify today; is that correct?	5	wall, because you're not a robot you probably
6	A Yes	6	can't tell me to the inch exactly how far it
7	Q. Okay. Just a couple standard questions	7	is to the wall, but you probably could give
8	I have to ask. Are you under the influence	8	an estimate or an approximation, right? You
9	of any sort of illness, medication,	9	would do that in the course of your job?
	substance, condition, anything that would	10	A. Correct.
10			
10 11	• •	11	
	impair your ability to testify truthfully	11 12	Q. But, you know, if you've grown up in
11	impair your ability to testify truthfully today?		Q. But, you know, if you've grown up in France and only knew the metric system, I'm
11 12	impair your ability to testify truthfully today? A. No.	12	Q. But, you know, if you've grown up in France and only knew the metric system, I'm not asking you to guess or speculate what a
11 12 13	impair your ability to testify truthfully today?	12 13	Q. But, you know, if you've grown up in France and only knew the metric system, I'm
11 12 13 14	impair your ability to testify truthfully today? A. No. Q. Okay. Have you ever been in a	12 13 14	Q. But, you know, if you've grown up in France and only knew the metric system, I'm not asking you to guess or speculate what a foot is. Do you understand the difference?
11 12 13 14 15	impair your ability to testify truthfully today? A. No. Q. Okay. Have you ever been in a deposition before?	12 13 14 15	Q. But, you know, if you've grown up in France and only knew the metric system, I'm not asking you to guess or speculate what a foot is. Do you understand the difference? A. Yes.
11 12 13 14 15 16	impair your ability to testify truthfully today? A. No. Q. Okay. Have you ever been in a deposition before? A. No.	12 13 14 15 16	Q. But, you know, if you've grown up in France and only knew the metric system, I'm not asking you to guess or speculate what a foot is. Do you understand the difference? A. Yes. Q. Also, this is not intended to be an
11 12 13 14 15 16	impair your ability to testify truthfully today? A. No. Q. Okay. Have you ever been in a deposition before? A. No. Q. This is your first deposition	12 13 14 15 16 17	Q. But, you know, if you've grown up in France and only knew the metric system, I'm not asking you to guess or speculate what a foot is. Do you understand the difference? A. Yes. Q. Also, this is not intended to be an unnecessarily uncomfortable process, so if
11 12 13 14 15 16 17	impair your ability to testify truthfully today? A. No. Q. Okay. Have you ever been in a deposition before? A. No. Q. This is your first deposition experience?	12 13 14 15 16 17 18	Q. But, you know, if you've grown up in France and only knew the metric system, I'm not asking you to guess or speculate what a foot is. Do you understand the difference? A. Yes. Q. Also, this is not intended to be an unnecessarily uncomfortable process, so if you need a break at any time, a cup of
11 12 13 14 15 16 17 18 19 20 21	impair your ability to testify truthfully today? A. No. Q. Okay. Have you ever been in a deposition before? A. No. Q. This is your first deposition experience? A. Correct. Q. All right. I'm sure your attorney gave you a background, but let me just give you a	12 13 14 15 16 17 18 19 20 21	Q. But, you know, if you've grown up in France and only knew the metric system, I'm not asking you to guess or speculate what a foot is. Do you understand the difference? A. Yes. Q. Also, this is not intended to be an unnecessarily uncomfortable process, so if you need a break at any time, a cup of coffee, whatever, just let us know and we'll
11 12 13 14 15 16 17 18 19 20 21 22	impair your ability to testify truthfully today? A. No. Q. Okay. Have you ever been in a deposition before? A. No. Q. This is your first deposition experience? A. Correct. Q. All right. I'm sure your attorney gave you a background, but let me just give you a few ground rules just so you understand how	12 13 14 15 16 17 18 19 20 21 22	Q. But, you know, if you've grown up in France and only knew the metric system, I'm not asking you to guess or speculate what a foot is. Do you understand the difference? A. Yes. Q. Also, this is not intended to be an unnecessarily uncomfortable process, so if you need a break at any time, a cup of coffee, whatever, just let us know and we'll try to be as accommodating as possible. Okay? A. Okay.
11 12 13 14 15 16 17 18 19 20 21 22 23	impair your ability to testify truthfully today? A. No. Q. Okay. Have you ever been in a deposition before? A. No. Q. This is your first deposition experience? A. Correct. Q. All right. I'm sure your attorney gave you a background, but let me just give you a few ground rules just so you understand how the process works. In many ways this may	12 13 14 15 16 17 18 19 20 21 22 23	Q. But, you know, if you've grown up in France and only knew the metric system, I'm not asking you to guess or speculate what a foot is. Do you understand the difference? A. Yes. Q. Also, this is not intended to be an unnecessarily uncomfortable process, so if you need a break at any time, a cup of coffee, whatever, just let us know and we'll try to be as accommodating as possible. Okay? A. Okay. Q. Likewise, any question you're asked, if
11 12 13 14 15 16 17 18 19 20 21 22	impair your ability to testify truthfully today? A. No. Q. Okay. Have you ever been in a deposition before? A. No. Q. This is your first deposition experience? A. Correct. Q. All right. I'm sure your attorney gave you a background, but let me just give you a few ground rules just so you understand how	12 13 14 15 16 17 18 19 20 21 22	Q. But, you know, if you've grown up in France and only knew the metric system, I'm not asking you to guess or speculate what a foot is. Do you understand the difference? A. Yes. Q. Also, this is not intended to be an unnecessarily uncomfortable process, so if you need a break at any time, a cup of coffee, whatever, just let us know and we'll try to be as accommodating as possible. Okay? A. Okay.

2 (Pages 5 to 8)

	Page 9		Page 11
1	question, if you have trouble understanding	1	investigation; is that fair to say?
2	the question, just let us know and we're	2	MR. ZURBRIGGEN: Object to
3	going to try to, if possible, restate or	3	form, but, Officer, you can answer
4	rephrase the question. Okay?	4	if you can.
5	A. Okay.	5	THE WITNESS: I don't know.
6	Q. All right. So Officer Song, what is	6	Was there an investigation? I was
7	your current job?	7	interviewed by the Internal Affairs.
8	A. Philadelphia Police Officer, assigned	8	BY MR. WEST:
9	to the SWAT unit.	9	Q. Okay. But you're not sure if there was
10	Q. Okay. What is your specific rank	10	an Internal Affairs investigation?
11	within the Philadelphia Police Department?	11	A. I'm not privy to their investigations.
12	A. Police officer.	12	Q. Okay. Since joining the Philadelphia
13	Q. And what specific SWAT unit are you	13	Police Department, how many times have you
14	assigned to?	14	been interviewed by Internal Affairs?
15	A. Philadelphia Police.	15	A. I can't tell you for sure. I don't
16	Q. There's only one SWAT?	16	know, maybe about ten times.
17	A. Correct.	17	Q. Okay. So approximately, ten times; is
18	Q. Okay. How long have you been with	18	that correct?
19	SWAT?	19	A. Roughly, around ten times, yes.
20	A. Fifteen years.	20	Q. How many of these ten times you've been
21	Q. And how long have you been with the	21	interviewed by Internal Affairs occurred
22	Philadelphia Police Department?	22	since you've joined the SWAT team?
23	A. Twenty-three years.	23	MR. ZURBRIGGEN: Object to
24	Q. And just briefly, how did you join the	24	form, but, Officer, you can answer.
	Page 10		D 10
	1490 10		Page 12
1	SWAT unit?	1	THE WITNESS: I don't know.
2	SWAT unit? A. After the allotted time that you're	2	THE WITNESS: I don't know. I don't know the number. I can't
2	SWAT unit? A. After the allotted time that you're allowed then you put in a transfer and you	2	THE WITNESS: I don't know. I don't know the number. I can't tell you.
2 3 4	SWAT unit? A. After the allotted time that you're allowed then you put in a transfer and you get interviewed and if they accept you you go	2 3 4	THE WITNESS: I don't know. I don't know the number. I can't tell you. BY MR. WEST:
2 3 4 5	SWAT unit? A. After the allotted time that you're allowed then you put in a transfer and you get interviewed and if they accept you you go on to the SWAT unit after training.	2 3 4 5	THE WITNESS: I don't know. I don't know the number. I can't tell you. BY MR. WEST: Q. Chronologically, when was the first
2 3 4 5 6	SWAT unit? A. After the allotted time that you're allowed then you put in a transfer and you get interviewed and if they accept you you go on to the SWAT unit after training. Q. Okay. Did you apply to transfer to the	2 3 4 5	THE WITNESS: I don't know. I don't know the number. I can't tell you. BY MR. WEST: Q. Chronologically, when was the first time you were interviewed by the Internal
2 3 4 5 6 7	SWAT unit? A. After the allotted time that you're allowed then you put in a transfer and you get interviewed and if they accept you you go on to the SWAT unit after training. Q. Okay. Did you apply to transfer to the SWAT unit as early as you were eligible to do	2 3 4 5 6 7	THE WITNESS: I don't know. I don't know the number. I can't tell you. BY MR. WEST: Q. Chronologically, when was the first time you were interviewed by the Internal Affairs?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. After the allotted time that you're allowed then you put in a transfer and you get interviewed and if they accept you you go on to the SWAT unit after training. Q. Okay. Did you apply to transfer to the SWAT unit as early as you were eligible to do so? A. Yes. Q. Regarding the incident with Ms. Alvarado, I believe that there was an investigation by the District Attorney's Office, correct? MR. ZURBRIGGEN: Object to form. You can answer. THE WITNESS: I have no knowledge of their investigation. BY MR. WEST: Q. Okay. Were you interviewed or asked to give any statement about the incident? A. Yes. Q. Okay. And who were you interviewed by?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: I don't know. I don't know the number. I can't tell you. BY MR. WEST: Q. Chronologically, when was the first time you were interviewed by the Internal Affairs? A. I don't know. At some point when I was in the 19th District, where I was first assigned. Q. Okay. Prior to you joining the SWAT? A. Correct. Q. Can you give an estimate or an approximation of how many times you've been interviewed by Internal Affairs since joining the SWAT. MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: I don't know. BY MR. WEST: Q. Of the approximately ten times that you've been interviewed by Internal Affairs,

3 (Pages 9 to 12)

	Page 13		Page 15
1	MR. ZURBRIGGEN: Object to	1	of the Philadelphia Police Department?
2	form, but, Officer, you can answer.	2	A. I attended a basic school for the SWAT
3	THE WITNESS: Once.	3	unit and as ongoing training throughout the
4	BY MR. WEST:	4	year at the SWAT unit.
5	Q. And what was that incident?	5	Q. Okay. Did you receive any training
6	A. The dog shooting.	6	regarding any policies adopted by the
7	Q. The dog shooting involving Ms.	7	Philadelphia Police Department regarding when
8	Alvarado?	8	it was appropriate or not appropriate to
9	A. Correct.	9	discharge a firearm?
10	Q. Okay. So then the nine other	10	MR. ZURBRIGGEN: Object to
11	instances, none of those involved a firearm	11	form, but, Officer, you can answer.
12	being discharged in any way?	12	THE WITNESS: Can you say
13	A. As far as I remember, no.	13	the question again?
14	Q. Okay. In very general terms, can you	14	BY MR. WEST:
15	tell me what each of the prior instances	15	Q. Absolutely. Any time. Did you receive
16	where you were interviewed by Internal	16	any training with regards to what policies
17	Affairs involved?	17	have been adopted by the Philadelphia Police
18	MR. ZURBRIGGEN: Object to	18	Department with regards to when it was
19	form, but, Officer, you can answer.	19	appropriate or not appropriate to discharge a
20	THE WITNESS: Truthfully, I	20	firearm?
21	can't tell you.	21	MR. ZURBRIGGEN: Object to
22	BY MR. WEST:	22	form. Officer, you can answer.
23	Q. So your testimony right now is that you	23	THE WITNESS: You fire your
24	cannot recall any details of any of the other	24	weapon when you're in danger or you
	D 14		
	Page 14		Page 16
1		1	_
1 2	approximately ten times you've been interviewed?	1 2	Page 16 can get hurt. BY MR. WEST:
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2	approximately ten times you've been interviewed?	2	can get hurt.
2	approximately ten times you've been interviewed? MR. ZURBRIGGEN: Same	2	can get hurt. BY MR. WEST: Q. All right. That's your recollection of
2 3 4	approximately ten times you've been interviewed? MR. ZURBRIGGEN: Same objection. Officer, you can answer.	2 3 4	can get hurt. BY MR. WEST: Q. All right. That's your recollection of the training you received, that you could
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4 (Pages 13 to 16)

Page 17 Page 19 1 1 Q. Okay. But let me make sure you THE WITNESS: Before. 2 2 understand the question. My question is, do BY MR. WEST: 3 3 you recall any specific training? I can ask Q. Okay. All right. So you've received 4 4 you more questions about the training, but training that told you what the knock and 5 5 this, I think, is a yes or no question. announce rule was prior to our incident on 6 6 June 4, 2021, correct? A. Okay. 7 7 Q. Do you recall receiving any specific A. Correct. 8 8 training from the Philadelphia Police Q. All right. And I believe your 9 9 Department with regards to how you should testimony was that when executing a warrant 10 10 interact with dogs on the property when you should knock on the door and then provide 11 11 an ample amount of time before breaching the executing a warrant? 12 12 A. No. door; is that correct? 13 13 Q. Okay. So your prior testimony about MR. ZURBRIGGEN: Object to 14 dealing with friendly dogs or not friendly 14 form. Officer, you can answer. 15 dogs, is that just based on your own personal 15 THE WITNESS: Yes. 16 opinion? 16 BY MR. WEST: 17 17 MR. ZURBRIGGEN: Object to Q. And I apologize if some of these 18 form, but, Officer, you can answer. 18 questions seem like lawyers are so annoying, 19 19 THE WITNESS: Yes. but it's just to create a clean record. 20 20 BY MR. WEST: Okay? 21 Q. Okay. Have you ever heard of anything 21 A. Yes. 22 22 called the knock and announce rule? Q. This is going to sound like I'm asking 23 23 MR. ZURBRIGGEN: Object to the same question, it's slightly different, I 24 24 form, but, Officer, you can answer. promise, I'm not trying to reask. Was the Page 18 Page 20 1 1 information that you're required to provide THE WITNESS: Yes. 2 2 BY MR. WEST: an ample amount of time before breaching the 3 3 door when executing a warrant consistent with Q. Please tell me to the best of your 4 understanding what the knock and announce 4 the training that you received from the 5 5 Philadelphia Police Department? rule is? 6 6 A. You knock and announce the warrant MR. ZURBRIGGEN: Object to 7 7 charges, you give ample amount of time for form, but, Officer, you can answer. 8 8 THE WITNESS: Yes. the person to come answer the door, and if 9 9 BY MR. WEST: they don't answer then the order is given to 10 10 Q. All right. So when you were provided breach the door. this training from the Philadelphia Police 11 11 Q. Okay. And where did you learn about 12 12 Department, were you given any guidance as to the knock and announce rule? 13 what an ample amount of time would mean? 13 A. It's part of the training during the 14 14 basic school during SWAT. A. Well, when we do the knock and 15 15 Q. Okay. Now, when you referred to the announce, we knock and announce and the door 16 information that you obtained through your 16 isn't breached until the supervisor gives the 17 17 training with the Philadelphia Police okay to breach the door, he gives the command 18 Department a moment ago, were you referring 18 to breach the door and that's when the door 19 19 to information that you had received prior to is breached. 20 20 the date of our incident, which was June 4, Q. Okay. I understand what you're saying, 21 21 but I'm just asking you to remember whatever 2021, or is this only information that you've 22 22 learned subsequent? training you received from the Philadelphia 23 23 Police Department, that's my question. MR. ZURBRIGGEN: Object to 24 24 A. Right. form, but, Officer, you can answer.

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Page 21 Page 23 1 1 Q. So in any of the training that you was breached? 2 2 received from the Philadelphia Police A. Yes. 3 Department prior to June 4, 2021, did any of 3 Q. Can you recall who else was there? 4 4 A. I know I was the first in line. that training give you any guidance as to 5 5 what was meant by an ample amount of time? Officer Hamoy was behind me and I believe 6 6 MR. ZURBRIGGEN: Object to Lieutenant Monk was behind him and I believe 7 7 form, but, Officer, you can answer. behind Lieutenant Monk was Officer Saba and 8 8 THE WITNESS: I really can't behind Officer Saba was Officer Burkitt and 9 9 tell you, no. behind Officer Burkitt was Sergeant Mellody. 10 BY MR. WEST: 10 I believe. That's the best of my 11 11 Q. Okay. For example, would it be a recollection. 12 12 minimum of five seconds, ten seconds, Q. Okay. And when you say behind, do you 13 13 mean like a line? anything like that? 14 MR. ZURBRIGGEN: Same 14 A. Yes. 15 objection, but, Officer, you can 15 Q. Okay. All right. So you were the 16 16 first person in line? answer. 17 17 A. Correct. THE WITNESS: I will say at 18 least 30, 40 seconds. 18 Q. So does that mean you're the one who 19 19 actually breached the door? BY MR. WEST: 20 20 Q. Okay. So it's your understanding that A. No. 21 between knocking on the door and breaching 21 Q. Okay. And then the second person, 22 22 could you spell that name if you know? the door, you should allow at least 30 to 23 23 A. H-A-M-O-Y. 40 seconds, correct? 24 24 Q. And then the third person? A. Correct. Page 22 Page 24 1 1 Q. And with regards to the incident A. Lieutenant Monk. 2 2 involving Ms. Alvarado, do you have any Q. And then the fourth person? 3 A. Officer Saba. personal knowledge if at least 30 to 40 4 4 seconds passed between the knock on the door Q. And then I think you said a fifth 5 5 and the door being breached? person? 6 6 A. I really can't tell you how long the A. The fifth person is Officer Burkitt. 7 7 knock time was. Q. All right. When conducting a warrant 8 8 Q. Okay. Would you be surprised to learn enforcement on a house as part of the 9 9 that it was less than that? Philadelphia SWAT team, would a person 10 10 MR. ZURBRIGGEN: Object to normally be assigned as the point person? 11 11 form. Does that term mean anything to you in this 12 12 context? THE WITNESS: I really can't 13 tell you how long the time was. 13 A. It's whoever is assigned to the first 14 14 BY MR. WEST: floor is going to be the first person in the 15 15 Q. Okay. Do you recall the incident door. 16 involving Ms. Alvarado well enough now that 16 Q. Okay. Let me take a step back. Is the 17 you can recall who physically breached the 17 term point person, is that a term that in 18 door? 18 your experience is normally used by the SWAT 19 19 MR. ZURBRIGGEN: Object to 20 20 form, but, Officer, you can answer. A. I don't think we use that term, it's 21 21 THE WITNESS: I really can't just whoever is the first in line, whoever is 22 22 tell you who breached the door. 23 23 BY MR. WEST: Q. Okay. And I think you said it's 24 24 whoever is on the first floor? Q. Okay. Were you present when the door

6 (Pages 21 to 24)

	Page 25		Page 27
1	A. So if you're assigned an entry team, if	1	THE WITNESS: Yes.
2	you're assigned an entry team you're assigned	2	MR. WEST: We'll mark this
3	a floor to clear the property. So if you're	3	as Song-1.
4	the first person in if you're assigned to	4	
5	the first floor and you're the first person	5	(Whereupon, Song-1 was
6	on the first floor then you're the first	6	marked for identification.)
7	person that's going in the door first.	7	
8	Q. Okay. So when you were executing the	8	BY MR. WEST:
9	warrant at Ms. Alvarado's house, was it your	9	Q. Mr. Song, if you wouldn't mind looking
10	understanding that you were specifically	10	at this for a moment and let me know if
11	assigned to enter the first floor apartment?	11	you're able to identify what this is a
12	MR. ZURBRIGGEN: Object to	12	picture of?
13	form. Officer, you can answer.	13	A. This is a picture of Torresdale Avenue.
14	THE WITNESS: I was assigned	14	Q. And to your knowledge, have you ever
15	to go in first, to the first floor,	15	been to any of the houses in this picture?
16	yes. Or if it's an apartment, then	16	A. Yes.
17	I'll be the first person to go into	17	Q. Okay. Can you tell me which ones?
18	the second floor apartment.	18	A. The third house from the right.
19	BY MR. WEST:	19	Q. The one with kind of a tan exterior?
20	Q. Okay. So were you supposed to go in on	20	A. I believe so, yes.
21	the first floor or the second door?	21	Q. Again, this is a question that I don't
22	MR. ZURBRIGGEN: Same	22	mean any offense by this, I just have to
23	objection. Officer, you can answer.	23	create a clean record. Because a lot of
24	THE WITNESS: So if it's an	24	people are color blind. Are you color blind?
	7112 W.211 (250) 50 11 110 tm		people are color office.
	Page 26		Page 28
1	apartment and to say it's a just	1	A. I'm not colored blind.
2			
	say we're going into this law office	2	Q. All right. And to your recollection,
3	say we're going into this law office and there's no second floor and	3	Q. All right. And to your recollection, when have you been in the house that you just
			- •
3	and there's no second floor and	3	when have you been in the house that you just
3 4	and there's no second floor and we're hitting an apartment, I am	3 4	when have you been in the house that you just identified?
3 4 5	and there's no second floor and we're hitting an apartment, I am still first in, I'll be the lead	3 4 5	when have you been in the house that you just identified? A. The day in question.
3 4 5 6	and there's no second floor and we're hitting an apartment, I am still first in, I'll be the lead person on the first team so I'll be	3 4 5 6	when have you been in the house that you just identified? A. The day in question. Q. Okay. So when you entered Ms.
3 4 5 6 7	and there's no second floor and we're hitting an apartment, I am still first in, I'll be the lead person on the first team so I'll be the first one in the door still.	3 4 5 6 7	when have you been in the house that you just identified? A. The day in question. Q. Okay. So when you entered Ms. Alvarado's house, this is the house then? Do
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	and there's no second floor and we're hitting an apartment, I am still first in, I'll be the lead person on the first team so I'll be the first one in the door still. BY MR. WEST: Q. Okay. When you executed the warrant at Ms. Alvarado's house, did you have any information provided to you as to who lived on the first floor of that building? A. We were given information no. We were just given information that it was homicide gave us a warrant to serve on this gentleman that was wanted for homicide, he was supposed to be in the second floor rear and that's who we were going after. Q. Okay. So you were aware before entering the buildings that the warrant was only valid for the second floor rear,	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	when have you been in the house that you just identified? A. The day in question. Q. Okay. So when you entered Ms. Alvarado's house, this is the house then? Do you recognize it? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Correct. BY MR. WEST: Q. Okay. All right. Sir, I will represent to you that this is a Google Maps picture that I printed out this morning. In the upper left corner it says 9:30 a.m., Monday, May 15th. So I took this picture from Google Maps this morning just to represent to you where it came from. And does this appear to look the same as it did the day that the dog got shot?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	and there's no second floor and we're hitting an apartment, I am still first in, I'll be the lead person on the first team so I'll be the first one in the door still. BY MR. WEST: Q. Okay. When you executed the warrant at Ms. Alvarado's house, did you have any information provided to you as to who lived on the first floor of that building? A. We were given information no. We were just given information that it was homicide gave us a warrant to serve on this gentleman that was wanted for homicide, he was supposed to be in the second floor rear and that's who we were going after. Q. Okay. So you were aware before entering the buildings that the warrant was only valid for the second floor rear, correct?	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	when have you been in the house that you just identified? A. The day in question. Q. Okay. So when you entered Ms. Alvarado's house, this is the house then? Do you recognize it? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Correct. BY MR. WEST: Q. Okay. All right. Sir, I will represent to you that this is a Google Maps picture that I printed out this morning. In the upper left corner it says 9:30 a.m., Monday, May 15th. So I took this picture from Google Maps this morning just to represent to you where it came from. And does this appear to look the same as it did the day that the dog got shot? MR. ZURBRIGGEN: Object to

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Page 29		Page 31
you from this view, but I remember	1	BY MR. WEST:
		Q. For the record, I'm going to highlight
	3	something. So we're going to use the pink
•		highlighter. If you look at the area where
		there's a pink highlight, can tell if there's
		a space there that is enterable through that
		door where there is no second floor? Can you
		tell that or you're not able to tell?
		MR. ZURBRIGGEN: Object to
		form, but, Officer, you can answer.
		THE WITNESS: Can you repeat
		the question?
·		BY MR. WEST:
		Q. Right. So I've highlighted an area
		with the pink highlighter. Can you see that?
		A. Yes.
		Q. Okay. The area with the pink
		highlighter, is there any second floor there?
		MR. ZURBRIGGEN: Object to
-		form, but, Officer, you can answer.
		THE WITNESS: No.
		BY MR. WEST:
		Q. Okay. So you can tell from this
Q. Can you tell if there's any second	24	picture that if you go through this door
Page 30		Page 32
floor above if you go through that door?	1	you're entering an area where there is no
	2	second floor, correct?
	3	MR. ZURBRIGGEN: Object to
-	4	form, but, Officer, you can answer.
* *	5	THE WITNESS: What's the
<u>-</u>	6	specific question you're
	7	asking? There's no second floor
	8	above the area that we went in, is
floor above that door?	9	that what you're asking?
	10	BY MR. WEST:
form, but, Officer, you can answer.	11	Q. Right. I'll rephrase the question. So
THE WITNESS: Can I tell if	12	you can tell from this picture that if
there's a second floor from that	13	somebody walks through that door they're
front door? No, I can't tell.	14	entering a room where there is no second
BY MR. WEST:	15	floor, correct?
	16	MR. ZURBRIGGEN: Object to
	17	form. Officer, you can answer.
•	18	THE WITNESS: There is no
	19	second floor above that area,
can't get to the second floor through this	20	correct.
	21	BY MR. WEST:
door, through this dicture?		
door, through this picture? MR. ZURBRIGGEN: Object to	22	O. All right. On the day of the dog
MR. ZURBRIGGEN: Object to form, but, Officer, you can answer.	22 23	Q. All right. On the day of the dog shooting, who did you believe lived in this
	floor above if you go through that door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Can you repeat the question? BY MR. WEST: Q. Right. If you look at this picture, if you go through that door, is there any second floor above that door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Can I tell if there's a second floor from that front door? No, I can't tell. BY MR. WEST: Q. So based on all the training that you've received from the Philadelphia Police Department as part of being the SWAT team, you can't look at this door and tell that you	walking up to the property in question of the warrant service and I remember the address of the property on being at the house and I don't think I remember actually looking down the street from this view so I can't tell you what specifically you're talking about. BY MR. WEST: Q. Is there anything that you remember about how the house looked that day that is different than what you see in the picture? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: I really can't tell you. BY MR. WEST: Q. Okay. So, sir, if you look at the picture you can see that there is a front door there and there's two mailboxes, correct? A. Correct. Q. Can you tell if there's any second Page 30 floor above if you go through that door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Can you repeat the question? BY MR. WEST: Q. Right. If you look at this picture, if you go through that door, is there any second floor above that door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Can I tell if there's a second floor from that front door? No, I can't tell. BY MR. WEST: Q. So based on all the training that you've received from the Philadelphia Police Department as part of being the SWAT team, you can't look at this door and tell that you 19

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	Page 33		Page 35
1	MR. ZURBRIGGEN: Object to	1	warrant in any way, whatsoever?
2	form. Officer, you can answer.	2	MR. ZURBRIGGEN: Object to
3	THE WITNESS: The building	3	form, but, Officer, you can answer.
4	does have a second floor.	4	THE WITNESS: No.
5	BY MR. WEST:	5	BY MR. WEST:
6	Q. But you acknowledge that there's an	6	Q. Officer Song, I'm going to mark this
7	area were there is no second floor, correct?	7	with a yellow highlighter. So I've marked an
8	MR. ZURBRIGGEN: Same	8	area with a yellow highlighter, is that the
9	objection. Officer, you can answer.	9	door that you entered prior to shooting the
10	THE WITNESS: There's no	10	dog?
11	second floor in that front room,	11	MR. ZURBRIGGEN: Object to
12	correct.	12	form, but, Officer, you can answer.
13	BY MR. WEST:	13	THE WITNESS: At this angle
14	Q. On the day of the shooting, who did you	14	I can't tell you for certain, I
15	believe lived in that front room?	15	just remember the front of the
16	MR. ZURBRIGGEN: Same	16	property.
17	objection. Officer, you can answer.	17	BY MR. WEST:
18	THE WITNESS: I didn't	18	Q. Okay. The door that you entered, was
19	believe any I don't know who	19	that in the front of the property?
20	lived in the front room. We were	20	A. Correct.
21	trying to get to the second floor.	21	Q. Do you see any other door that you
22	Do you want me to explain why	22	consider to be the front of the property in
23	MR. ZURBRIGGEN: Officer,	23	this picture?
24	there's no question pending.	24	MR. ZURBRIGGEN: Object to
	Dama 24		
	Page 34		Page 36
1		1	
1 2	THE WITNESS: Okay.	1 2	form, but, Officer, you can answer.
	THE WITNESS: Okay. BY MR. WEST:		
2	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the	2	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST:
2	THE WITNESS: Okay. BY MR. WEST:	2	form, but, Officer, you can answer. THE WITNESS: No.
2 3 4	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms.	2 3 4	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached?
2 3 4 5	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms. Alvarado's house? A. Yes.	2 3 4 5	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached? A. I believe the door was breached with a ram.
2 3 4 5 6	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms. Alvarado's house?	2 3 4 5 6	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached? A. I believe the door was breached with a
2 3 4 5 6 7	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms. Alvarado's house? A. Yes. Q. Did you know that the dog was in the	2 3 4 5 6 7	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached? A. I believe the door was breached with a ram. Q. And do you know why a ram was used to
2 3 4 5 6 7 8	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms. Alvarado's house? A. Yes. Q. Did you know that the dog was in the house before you entered the house? A. No. I don't recall.	2 3 4 5 6 7 8	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached? A. I believe the door was breached with a ram. Q. And do you know why a ram was used to breach the door?
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2 3 4 5 6 7 8 9	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms. Alvarado's house? A. Yes. Q. Did you know that the dog was in the house before you entered the house? A. No. I don't recall. Q. Did you hear a dog barking before you	2 3 4 5 6 7 8 9	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached? A. I believe the door was breached with a ram. Q. And do you know why a ram was used to breach the door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer.
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2 3 4 5 6 7 8 9 10 11	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms. Alvarado's house? A. Yes. Q. Did you know that the dog was in the house before you entered the house? A. No. I don't recall. Q. Did you hear a dog barking before you entered the house? A. I don't recall.	2 3 4 5 6 7 8 9 10 11	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached? A. I believe the door was breached with a ram. Q. And do you know why a ram was used to breach the door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Because the door was locked.
2 3 4 5 6 7 8 9 10 11 12 13	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms. Alvarado's house? A. Yes. Q. Did you know that the dog was in the house before you entered the house? A. No. I don't recall. Q. Did you hear a dog barking before you entered the house? A. I don't recall. Q. Do you recall if you had any	2 3 4 5 6 7 8 9 10 11 12 13	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached? A. I believe the door was breached with a ram. Q. And do you know why a ram was used to breach the door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Because the door was locked. BY MR. WEST:
2 3 4 5 6 7 8 9 10 11 12 13 14	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms. Alvarado's house? A. Yes. Q. Did you know that the dog was in the house before you entered the house? A. No. I don't recall. Q. Did you hear a dog barking before you entered the house? A. I don't recall. Q. Do you recall if you had any information available to you as to whether or	2 3 4 5 6 7 8 9 10 11 12 13	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached? A. I believe the door was breached with a ram. Q. And do you know why a ram was used to breach the door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Because the door was locked. BY MR. WEST: Q. Did anyone knock on the door before it
2 3 4 5 6 7 8 9 10 11 12 13 14 15	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms. Alvarado's house? A. Yes. Q. Did you know that the dog was in the house before you entered the house? A. No. I don't recall. Q. Did you hear a dog barking before you entered the house? A. I don't recall. Q. Do you recall if you had any information available to you as to whether or not there was a dog in that house before you	2 3 4 5 6 7 8 9 10 11 12 13 14	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached? A. I believe the door was breached with a ram. Q. And do you know why a ram was used to breach the door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Because the door was locked. BY MR. WEST: Q. Did anyone knock on the door before it was rammed?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms. Alvarado's house? A. Yes. Q. Did you know that the dog was in the house before you entered the house? A. No. I don't recall. Q. Did you hear a dog barking before you entered the house? A. I don't recall. Q. Do you recall if you had any information available to you as to whether or not there was a dog in that house before you entered?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached? A. I believe the door was breached with a ram. Q. And do you know why a ram was used to breach the door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Because the door was locked. BY MR. WEST: Q. Did anyone knock on the door before it was rammed? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms. Alvarado's house? A. Yes. Q. Did you know that the dog was in the house before you entered the house? A. No. I don't recall. Q. Did you hear a dog barking before you entered the house? A. I don't recall. Q. Do you recall if you had any information available to you as to whether or not there was a dog in that house before you entered? MR. ZURBRIGGEN: Object to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached? A. I believe the door was breached with a ram. Q. And do you know why a ram was used to breach the door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Because the door was locked. BY MR. WEST: Q. Did anyone knock on the door before it was rammed? A. Yes. Q. Do you know who knocked on the door?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms. Alvarado's house? A. Yes. Q. Did you know that the dog was in the house before you entered the house? A. No. I don't recall. Q. Did you hear a dog barking before you entered the house? A. I don't recall. Q. Do you recall if you had any information available to you as to whether or not there was a dog in that house before you entered? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached? A. I believe the door was breached with a ram. Q. And do you know why a ram was used to breach the door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Because the door was locked. BY MR. WEST: Q. Did anyone knock on the door before it was rammed? A. Yes. Q. Do you know who knocked on the door? A. I do not.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms. Alvarado's house? A. Yes. Q. Did you know that the dog was in the house before you entered the house? A. No. I don't recall. Q. Did you hear a dog barking before you entered the house? A. I don't recall. Q. Do you recall if you had any information available to you as to whether or not there was a dog in that house before you entered? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: No, I don't recall.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached? A. I believe the door was breached with a ram. Q. And do you know why a ram was used to breach the door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Because the door was locked. BY MR. WEST: Q. Did anyone knock on the door before it was rammed? A. Yes. Q. Do you know who knocked on the door? A. I do not. Q. It wasn't you, correct? A. Correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms. Alvarado's house? A. Yes. Q. Did you know that the dog was in the house before you entered the house? A. No. I don't recall. Q. Did you hear a dog barking before you entered the house? A. I don't recall. Q. Do you recall if you had any information available to you as to whether or not there was a dog in that house before you entered? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: No, I don't recall. BY MR. WEST: Q. If you had known there was a dog in the house before you entered, would that have	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached? A. I believe the door was breached with a ram. Q. And do you know why a ram was used to breach the door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Because the door was locked. BY MR. WEST: Q. Did anyone knock on the door before it was rammed? A. Yes. Q. Do you know who knocked on the door? A. I do not. Q. It wasn't you, correct? A. Correct. Q. Do you know how many times the door was knocked on before it was rammed? A. I do not.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: Okay. BY MR. WEST: Q. Did you end up shooting a dog on the day that you executed the warrant at Ms. Alvarado's house? A. Yes. Q. Did you know that the dog was in the house before you entered the house? A. No. I don't recall. Q. Did you hear a dog barking before you entered the house? A. I don't recall. Q. Do you recall if you had any information available to you as to whether or not there was a dog in that house before you entered? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: No, I don't recall. BY MR. WEST: Q. If you had known there was a dog in the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	form, but, Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. So how was the door breached? A. I believe the door was breached with a ram. Q. And do you know why a ram was used to breach the door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Because the door was locked. BY MR. WEST: Q. Did anyone knock on the door before it was rammed? A. Yes. Q. Do you know who knocked on the door? A. I do not. Q. It wasn't you, correct? A. Correct. Q. Do you know how many times the door was knocked on before it was rammed?

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Page 37		Page 39
correct?	1	MR. ZURBRIGGEN: Object to
	2	form. Officer, you can answer.
	3	THE WITNESS: Can I have the
	4	question again?
• •	5	BY MR. WEST:
	6	Q. Yes. When you walked through the door
	7	that had been breached, did it occur to you
	8	that you might be entering the residence of
BY MR. WEST:	9	someone other than the person named on the
O. How do you know that?	10	warrant?
-	11	MR. ZURBRIGGEN: Same
	12	objection. Officer, you can answer.
- •	13	THE WITNESS: I believed I
	14	was going to be entering a hallway.
	15	BY MR. WEST:
•	16	Q. A hallway? And what was your basis for
BY MR. WEST:	17	believing that?
	18	MR. ZURBRIGGEN: Object to
=	19	form, but, Officer, you can answer.
	20	THE WITNESS: Ninety percent
	21	or even more than that, if there's a
	22	two-story apartment you can enter
•	23	the front door and it's like a foyer
· · · · · · · · · · · · · · · · · · ·	24	area and it's a separation from
. , , , <u>, .</u>		· · · · · · · · · · · · · · · · · · ·
Page 38		Page 40
THE WITNESS: Who did I	1	going straight and going up to the
expect to find? The person who	2	second floor and another door that
we were looking for for the warrant	3	goes into the first floor.
search.	4	BY MR. WEST:
BY MR. WEST:	5	Q. I don't mean any disrespect, Officer
Q. The murder suspect?	6	Song, but are you saying it was just a guess
A. Correct.	7	that there might be a hallway there?
Q. I think you testified earlier that you	8	MR. ZURBRIGGEN: Object to
were aware that the warrant was only good for	9	form. Officer, you can answer.
the second floor rear, correct?	10	THE WITNESS: Through my
MR. ZURBRIGGEN: Object to	11	experience in the SWAT unit, that I
form. You can answer.	12	would say over 99 percent of the
THE WITNESS: Correct.	13	time that you go in that door if
BY MR. WEST:	14	there's no other entrances
Q. When you entered that door, did you	15	available, that's a split. If it's
believe you were entering the second floor	16	a second floor apartment then you go
rear of the property?	17	in and there's a hallway there and
MR. ZURBRIGGEN: Object to	18	there's another doorway that leads
form. Officer, you can answer.	19	up to the second floor.
THE WITNESS: No.	20	BY MR. WEST:
BY MR. WEST:	21	Q. Okay. And was that consistent with the
	22	training you received from the Philadelphia
Q. Did it occur to you that you might be		
Q. Did it occur to you that you might be entering the residence of someone else other than the suspect?	23	Police Department that this was a correct way to execute a warrant in a multi-resident
_	A. I don't recall, no. Q. Do you have any specific recollection of seeing anyone knock on the door? MR. ZURBRIGGEN: Object to the form. You can answer. THE WITNESS: Someone did knock on the door, yes. BY MR. WEST: Q. How do you know that? A. Because he was standing in front of me. Q. But you can't recall who it was or how long they knocked, correct? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Correct. BY MR. WEST: Q. Who was the first person to enter this property after the door was breached? A. I was. Q. And who did you expect to find, if anyone, on the other side of that door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. Page 38 THE WITNESS: Who did I expect to find? The person who we were looking for for the warrant search. BY MR. WEST: Q. The murder suspect? A. Correct. Q. I think you testified earlier that you were aware that the warrant was only good for the second floor rear, correct? MR. ZURBRIGGEN: Object to form. You can answer. THE WITNESS: Correct. BY MR. WEST: Q. When you entered that door, did you believe you were entering the second floor rear of the property? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: No.	A. I don't recall, no. Q. Do you have any specific recollection of seeing anyone knock on the door? MR. ZURBRIGGEN: Object to the form. You can answer. THE WITNESS: Someone did knock on the door, yes. BY MR. WEST: Q. How do you know that? A. Because he was standing in front of me. Q. But you can't recall who it was or how long they knocked, correct? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Correct. BY MR. WEST: Q. Who was the first person to enter this property after the door was breached? A. I was. Q. And who did you expect to find, if anyone, on the other side of that door? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. Page 38 THE WITNESS: Who did I expect to find? The person who we were looking for for the warrant search. BY MR. WEST: Q. I think you testified earlier that you were aware that the warrant was only good for the second floor rear, correct? MR. ZURBRIGGEN: Object to form. You can answer. THE WITNESS: Correct. BY MR. WEST: Q. I think you testified earlier that you were aware that the warrant was only good for the second floor rear, correct? MR. ZURBRIGGEN: Object to form. You can answer. THE WITNESS: Correct. BY MR. WEST: Q. When you entered that door, did you believe you were entering the second floor rear of the property? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: No.

10 (Pages 37 to 40)

	Page 41		Page 43
1	building?	1	enter the doorway there there's a
2	MR. ZURBRIGGEN: Object to	2	split.
3	form. Officer, you can answer.	3	BY MR. WEST:
4	THE WITNESS: I would say	4	
5	•	5	Q. Okay. Was there another entrance to this building?
6	it's just commonsense, you know,	6	_
7	and like through the thousands and thousands of warrants I've done that	7	MR. ZURBRIGGEN: Object to form. Officer, you can answer.
8		8	THE WITNESS: Yes.
9	that's the case. BY MR. WEST:	9	BY MR. WEST:
10		10	
11	Q. But my question is, is that consistent	11	Q. Okay. And that was a rear entrance,
12	with the training you received from the	12	correct?
13	Philadelphia Police Department?	13	A. Correct.
	MR. ZURBRIGGEN: Same		Q. And the warrant actually said rear on
14	objection. Officer, you can answer.	14	it, correct?
15	THE WITNESS: Through my	15	MR. ZURBRIGGEN: Object to
16	training? I can't answer that	16	form. Officer, you can answer.
17	question. I don't know exactly what	17	THE WITNESS: Correct.
18	you're trying to what kind of	18	BY MR. WEST:
19	answer you want. Did they train me	19	Q. Did it occur to you that the rear
20	on structures of a house? I don't	20	entrance might have been the entrance to the
21	know. They didn't.	21	rear apartment?
22	BY MR. WEST:	22	MR. ZURBRIGGEN: Object to
23	Q. All right. You have no recollection of	23	form. Officer, you can answer.
24	ever receiving any training as to review the	24	THE WITNESS: Did it occur
	D 10		
	Page 42		Page 44
1	structure of a building; is that correct?	1	to me? It could have been in the
1 2		1 2	
	structure of a building; is that correct?		to me? It could have been in the
2	structure of a building; is that correct? MR. ZURBRIGGEN: Object to	2	to me? It could have been in the rear. But there are many times that
2	structure of a building; is that correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer.	2 3	to me? It could have been in the rear. But there are many times that we serve warrants on houses that
2 3 4	structure of a building; is that correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: No.	2 3 4	to me? It could have been in the rear. But there are many times that we serve warrants on houses that said second floor rear, second floor
2 3 4 5	structure of a building; is that correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: No. BY MR. WEST:	2 3 4 5	to me? It could have been in the rear. But there are many times that we serve warrants on houses that said second floor rear, second floor front, third floor rear, third floor
2 3 4 5	structure of a building; is that correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. And again, sir, I think you previously	2 3 4 5	to me? It could have been in the rear. But there are many times that we serve warrants on houses that said second floor rear, second floor front, third floor rear, third floor front, but all the entrances was
2 3 4 5 6 7	structure of a building; is that correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. And again, sir, I think you previously acknowledged, you can just look at this	2 3 4 5 6 7	to me? It could have been in the rear. But there are many times that we serve warrants on houses that said second floor rear, second floor front, third floor rear, third floor front, but all the entrances was through the front door.
2 3 4 5 6 7 8	structure of a building; is that correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. And again, sir, I think you previously acknowledged, you can just look at this picture and you can see that there's no entry	2 3 4 5 6 7 8	to me? It could have been in the rear. But there are many times that we serve warrants on houses that said second floor rear, second floor front, third floor rear, third floor front, but all the entrances was through the front door. BY MR. WEST:
2 3 4 5 6 7 8	structure of a building; is that correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. And again, sir, I think you previously acknowledged, you can just look at this picture and you can see that there's no entry to the second floor from this picture,	2 3 4 5 6 7 8	to me? It could have been in the rear. But there are many times that we serve warrants on houses that said second floor rear, second floor front, third floor rear, third floor front, but all the entrances was through the front door. BY MR. WEST: Q. Okay. So when you've been in this
2 3 4 5 6 7 8 9	structure of a building; is that correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. And again, sir, I think you previously acknowledged, you can just look at this picture and you can see that there's no entry to the second floor from this picture, correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer.	2 3 4 5 6 7 8 9	to me? It could have been in the rear. But there are many times that we serve warrants on houses that said second floor rear, second floor front, third floor rear, third floor front, but all the entrances was through the front door. BY MR. WEST: Q. Okay. So when you've been in this situation before, was there any effort made
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2 3 4 5 6 7 8 9 10 11 12 13 14	structure of a building; is that correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. And again, sir, I think you previously acknowledged, you can just look at this picture and you can see that there's no entry to the second floor from this picture, correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: There's no entry to the second floor?	2 3 4 5 6 7 8 9 10 11 12 13 14	to me? It could have been in the rear. But there are many times that we serve warrants on houses that said second floor rear, second floor front, third floor rear, third floor front, but all the entrances was through the front door. BY MR. WEST: Q. Okay. So when you've been in this situation before, was there any effort made to try to determine what the proper way would be to enter the building before having to make a forced entry? MR. ZURBRIGGEN: Object to
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	structure of a building; is that correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. And again, sir, I think you previously acknowledged, you can just look at this picture and you can see that there's no entry to the second floor from this picture, correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: There's no entry to the second floor? BY MR. WEST: Q. There's a room on the other side of that door, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	to me? It could have been in the rear. But there are many times that we serve warrants on houses that said second floor rear, second floor front, third floor rear, third floor front, but all the entrances was through the front door. BY MR. WEST: Q. Okay. So when you've been in this situation before, was there any effort made to try to determine what the proper way would be to enter the building before having to make a forced entry? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: The job was reconned, surveyed before we went
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	structure of a building; is that correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. And again, sir, I think you previously acknowledged, you can just look at this picture and you can see that there's no entry to the second floor from this picture, correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: There's no entry to the second floor? BY MR. WEST: Q. There's a room on the other side of that door, correct? MR. ZURBRIGGEN: Object to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	to me? It could have been in the rear. But there are many times that we serve warrants on houses that said second floor rear, second floor front, third floor rear, third floor front, but all the entrances was through the front door. BY MR. WEST: Q. Okay. So when you've been in this situation before, was there any effort made to try to determine what the proper way would be to enter the building before having to make a forced entry? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: The job was reconned, surveyed before we went out and served the actual warrant,
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	structure of a building; is that correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. And again, sir, I think you previously acknowledged, you can just look at this picture and you can see that there's no entry to the second floor from this picture, correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: There's no entry to the second floor? BY MR. WEST: Q. There's a room on the other side of that door, correct? MR. ZURBRIGGEN: Object to form. THE WITNESS: There's no way for me to know if there's a room or	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	to me? It could have been in the rear. But there are many times that we serve warrants on houses that said second floor rear, second floor front, third floor rear, third floor front, but all the entrances was through the front door. BY MR. WEST: Q. Okay. So when you've been in this situation before, was there any effort made to try to determine what the proper way would be to enter the building before having to make a forced entry? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: The job was reconned, surveyed before we went out and served the actual warrant, and to the best of my knowledge, there was no indication that there
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	structure of a building; is that correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. And again, sir, I think you previously acknowledged, you can just look at this picture and you can see that there's no entry to the second floor from this picture, correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: There's no entry to the second floor? BY MR. WEST: Q. There's a room on the other side of that door, correct? MR. ZURBRIGGEN: Object to form. THE WITNESS: There's no way for me to know if there's a room or	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to me? It could have been in the rear. But there are many times that we serve warrants on houses that said second floor rear, second floor front, third floor rear, third floor front, but all the entrances was through the front door. BY MR. WEST: Q. Okay. So when you've been in this situation before, was there any effort made to try to determine what the proper way would be to enter the building before having to make a forced entry? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: The job was reconned, surveyed before we went out and served the actual warrant, and to the best of my knowledge, there was no indication that there was an entrance in the rear.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	structure of a building; is that correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: No. BY MR. WEST: Q. And again, sir, I think you previously acknowledged, you can just look at this picture and you can see that there's no entry to the second floor from this picture, correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: There's no entry to the second floor? BY MR. WEST: Q. There's a room on the other side of that door, correct? MR. ZURBRIGGEN: Object to form. THE WITNESS: There's no way for me to know if there's a room or if there's a hallway, but if there's no other entrance then I would say	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	to me? It could have been in the rear. But there are many times that we serve warrants on houses that said second floor rear, second floor front, third floor rear, third floor front, but all the entrances was through the front door. BY MR. WEST: Q. Okay. So when you've been in this situation before, was there any effort made to try to determine what the proper way would be to enter the building before having to make a forced entry? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: The job was reconned, surveyed before we went out and served the actual warrant, and to the best of my knowledge, there was no indication that there was an entrance in the rear. BY MR. WEST: Q. So your understanding of this

11 (Pages 41 to 44)

	Page 45		Page 47
1	Avenue is that you believe that there had	1	the warrant service and we talked
2	been a recon done and there was no indication	2	about the well, he briefed us on
3	that there was a rear entrance; is that	3	the warrant service and the location
4	correct?	4	of where we were going to enter the
5	MR. ZURBRIGGEN: Object to	5	property as per what was seen during
6	form. Officer you can answer.	6	the recon of the property.
7	THE WITNESS: Correct.	7	BY MR. WEST:
8	BY MR. WEST:	8	Q. Okay. And do you remember what he
9	Q. When you entered the front door of Ms.	9	specifically said about that?
10	Alvarado's home, at that time were you	10	MR. ZURBRIGGEN: Object to
11	unaware of the existence of a rear door?	11	form. Go ahead.
12	A. No, I was not aware there was a rear	12	THE WITNESS: He said the
13	door.	13	second floor.
14	Q. That was a bad question. Let me reask	14	BY MR. WEST:
15	the question just because I think you may	15	Q. When briefings were done as part of the
16	have misheard me. At the time that you	16	SWAT at the Philadelphia Police Department,
17	entered the front door of this property and	17	would there normally be a written record of
18	entered Ms. Alvarado's private residence,	18	that briefing that you're aware of?
19	were you unaware that there was a rear door	19	MR. ZURBRIGGEN: Object to
20	to that property?	20	form, but, Officer, you can answer.
21	MR. ZURBRIGGEN: Object to	21	THE WITNESS: Basically,
22	form. Officer, you can answer.	22	when there's a warrant service
23	THE WITNESS: I have no	23	there's paperwork that is completed
24	personal knowledge of the rear door.	24	so the officers have the paperwork
	Page 46		Page 48
1	Page 46 BY MR. WEST:	1	Page 48 with the information on it for the
1 2		1 2	
	BY MR. WEST:		with the information on it for the
2	BY MR. WEST: Q. You had no personal knowledge at that	2	with the information on it for the warrant service.
2	BY MR. WEST: Q. You had no personal knowledge at that time, correct?	2	with the information on it for the warrant service. BY MR. WEST: Q. Okay. And do you recall what that kind of paperwork is called, like does it have a
2 3 4	BY MR. WEST: Q. You had no personal knowledge at that time, correct? A. Correct.	2 3 4	with the information on it for the warrant service. BY MR. WEST: Q. Okay. And do you recall what that kind
2 3 4 5	BY MR. WEST: Q. You had no personal knowledge at that time, correct? A. Correct. Q. Do you know one way or another whether or not Lt. Monk was aware of the existence of a rear door at that time?	2 3 4 5	with the information on it for the warrant service. BY MR. WEST: Q. Okay. And do you recall what that kind of paperwork is called, like does it have a
2 3 4 5 6	BY MR. WEST: Q. You had no personal knowledge at that time, correct? A. Correct. Q. Do you know one way or another whether or not Lt. Monk was aware of the existence of	2 3 4 5 6	with the information on it for the warrant service. BY MR. WEST: Q. Okay. And do you recall what that kind of paperwork is called, like does it have a title on the page?
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12 (Pages 45 to 48)

	Page 49		Page 51
1	MR. ZURBRIGGEN: Object to	1	THE WITNESS: Yes.
2	form. Officer, you can answer.	2	BY MR. WEST:
3	THE WITNESS: I can't attest	3	Q. Okay. Do you have any personal
4	if they're shared properties or not.	4	knowledge if any detective in this situation
5	BY MR. WEST:	5	ascertained who lived on the first floor of
6	Q. Fair enough. Did you ever, as part of	6	the property?
7	being a member of the Philadelphia Police	7	MR. ZURBRIGGEN: Object to
8	Department SWAT team, did you ever receive	8	form. Officer, you can answer.
9	any specific training about shared	9	THE WITNESS: I do not.
10	residences?	10	BY MR. WEST:
11	MR. ZURBRIGGEN: Object to	11	Q. In your experience, before a search
12	the form, but, Officer, you can	12	warrant or an arrest warrant is executed in a
13	answer.	13	shared residence in the City of Philadelphia,
14	THE WITNESS: No.	14	would it be normal to contact the property
15	BY MR. WEST:	15	owner to ascertain where people lived and who
16	Q. For example, as we've already discussed	16	lived there?
17	before, you were aware that the warrant was	17	MR. ZURBRIGGEN: Object to
18	only for the second floor of the property,	18	form. Officer, you can answer.
19	right?	19	THE WITNESS: Again, I think
20	MR. ZURBRIGGEN: Object to	20	that's the responsibility of the
21	form. Officer, you can answer.	21	detective.
22	THE WITNESS: Yes.	22	BY MR. WEST:
23	BY MR. WEST:	23	Q. Is that something in your personal
24	Q. Okay. And, obviously, you knew the	24	experience you would normally expect the
	Page 50		Page 52
1	property had a first floor_correct?	1	detective to do?
1 2	property had a first floor, correct? MR. ZURBRIGGEN: Object to	1 2	detective to do? MR. ZURBRIGGEN: Same
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2	MR. ZURBRIGGEN: Object to form, but, Officer, you can answer.	2	MR. ZURBRIGGEN: Same objection. Officer, you can answer.
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2 3 4 5	MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Correct. BY MR. WEST: Q. And I think your testimony is that you	2 3 4 5	MR. ZURBRIGGEN: Same objection. Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Looking at Exhibit-1, if you could have
2 3 4 5 6	MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Correct. BY MR. WEST: Q. And I think your testimony is that you didn't know who lived on the first floor,	2 3 4 5 6	MR. ZURBRIGGEN: Same objection. Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Looking at Exhibit-1, if you could have heard a dog barking on the other side of that
2 3 4 5 6 7	MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: Correct. BY MR. WEST: Q. And I think your testimony is that you	2 3 4 5 6 7	MR. ZURBRIGGEN: Same objection. Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Looking at Exhibit-1, if you could have heard a dog barking on the other side of that door, would that have given you any insight
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13 (Pages 49 to 52)

Page 53	Page 55
it's occupied, yes.	1 read back the last question?
2 BY MR. WEST:	2
Q. Based on the policies and procedures of	³ (Whereupon, the reporter
4 the Philadelphia Police Department, to the	4 read back the last question posed.)
5 best of your knowledge based on your	5
6 training, if the only way to access the	6 MR. ZURBRIGGEN: Same
7 second floor apartment was to go through	7 objection.
8 someone else's residence in the first floor,	8 BY MR. WEST:
9 would you have been authorized to go through	9 Q. Let me rephrase the question. Based on
the other person's residence?	10 your training under the policies and
¹¹ MR. ZURBRIGGEN: Object to	procedures of the Philadelphia Police
form. Officer, you can answer if	Department, if there was a building that had
13 you can.	a first floor apartment and a second floor
14 THE WITNESS: That will be a	apartment and you were attempting to execute
call for the supervisor.	a warrant only for the second floor
¹⁶ BY MR. WEST:	apartment, under any circumstances would you
Q. And who would be the supervisor in this	be allowed to enter the residence of the
18 situation?	¹⁸ first floor apartment?
19 A. Lt. Monk.	MR. ZURBRIGGEN: Object to
Q. Okay. Had you ever received any sort	form. Officer, you can answer.
of training from the Philadelphia Police	21 THE WITNESS: So if it was
Department that told you that you should	only for the second floor only, I
never under any circumstances enter the	will say that if it's legally
residence of a person for whom you did not	sectioned off and there's hallways,
Page 54	Page 56
	1496 50
1 have a warrant?	then you go through a common door.
 have a warrant? MR. ZURBRIGGEN: Object to 	then you go through a common door. Now, there are plenty of apartments
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	Page 57		Page 59
1	floor apartment to get to the second floor	1	place to go, then if there's no
2	apartment and your warrant was only valid for	2	other access then how else do you
3	the second floor apartment, would you be	3	get to the second floor?
4	allowed to go through the first floor	4	BY MR. WEST:
5	apartment?	5	Q. If you believed that it was necessary
6	MR. ZURBRIGGEN: Object to	6	to enter the apartment of a different person
7	form. Officer, you can answer.	7	who was not identified on the warrant to
8	THE WITNESS: I would say	8	enter a separate apartment belonging to the
9	that it wouldn't be my decision, it	9	person who was on the warrant, would you
10	would be a decision made by the	10	believe that you were required to obtain a
11	supervisors.	11	new warrant before entering the property or
12	BY MR. WEST:	12	did you believe that you were allowed to
13	Q. But do you know if the Philadelphia	13	enter the property of the person who was not
14	Police Department has any policy or procedure	14	identified on the warrant?
15	that would tell you the right answer in that	15	MR. ZURBRIGGEN: Object to
16	situation?	16	form. Officer, you can answer.
17	MR. ZURBRIGGEN: Object to	17	THE WITNESS: So do we think
18	form. Officer, you can answer.	18	we need another warrant? I don't
19	THE WITNESS: I can't tell	19	know, I can't tell you.
20	you the answer to that.	20	BY MR. WEST:
21	BY MR. WEST:	21	Q. Okay. Now, you're not sure what the
22	Q. You don't know what the policy is,	22	Philadelphia Police Department policy and
23	correct?	23	procedure on that issue would be?
24	MR. ZURBRIGGEN: Objection.	24	MR. ZURBRIGGEN: Same
	Page 58		Page 60
1	Page 58 THE WITNESS: I don't know.	1	Page 60 objection.
1 2	_	1 2	_
	THE WITNESS: I don't know.		objection.
2	THE WITNESS: I don't know. BY MR. WEST:	2	objection. THE WITNESS: Correct.
2	THE WITNESS: I don't know. BY MR. WEST: Q. Okay. If you went to a property that	2	objection. THE WITNESS: Correct. BY MR. WEST:
2 3 4	THE WITNESS: I don't know. BY MR. WEST: Q. Okay. If you went to a property that had a first floor apartment and a second	2 3 4	objection. THE WITNESS: Correct. BY MR. WEST: Q. All right, sir, so after the door was
2 3 4 5	THE WITNESS: I don't know. BY MR. WEST: Q. Okay. If you went to a property that had a first floor apartment and a second floor apartment and you knew that the warrant	2 3 4 5	objection. THE WITNESS: Correct. BY MR. WEST: Q. All right, sir, so after the door was breached, what happened next to your best
2 3 4 5 6	THE WITNESS: I don't know. BY MR. WEST: Q. Okay. If you went to a property that had a first floor apartment and a second floor apartment and you knew that the warrant was only valid for the second floor apartment	2 3 4 5	objection. THE WITNESS: Correct. BY MR. WEST: Q. All right, sir, so after the door was breached, what happened next to your best recollection?
2 3 4 5 6 7	THE WITNESS: I don't know. BY MR. WEST: Q. Okay. If you went to a property that had a first floor apartment and a second floor apartment and you knew that the warrant was only valid for the second floor apartment and your supervisor told you to enter the	2 3 4 5 6 7	objection. THE WITNESS: Correct. BY MR. WEST: Q. All right, sir, so after the door was breached, what happened next to your best recollection? A. The door was breached and I entered the
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15 (Pages 57 to 60)

	Page 61		Page 63
1	A. No.	1	breached?
2	Q. Did the dog bite rip your socks?	2	MR. ZURBRIGGEN: Object to
3	A. No.	3	form, but, Officer, you can answer.
4	Q. Did the dog bite break your skin?	4	THE WITNESS: It could be.
5	A. No.	5	BY MR. WEST:
6	Q. Is there any physical evidence of a dog	6	Q. Do you believe the dog may have been
7	bite to the best of your knowledge?	7	frightened because somebody had just broken
8	MR. ZURBRIGGEN: Object to	8	into the house?
9	form. Officer, you can answer.	9	MR. ZURBRIGGEN: Object to
10	THE WITNESS: No.	10	form.
11	BY MR. WEST:	11	THE WITNESS: I have no clue
12	Q. If you enter a residence and there's a	12	what the dog was feeling.
1.3	dog in the residence, in your experience, is	13	BY MR. WEST:
14	it normal for many dogs to respond after a	14	Q. Had you ever received any training from
15	door is breached?	15	the Philadelphia Police Department that a dog
16	MR. ZURBRIGGEN: Object to	16	might be frightened if someone broke into its
17	form.	17	house?
18	THE WITNESS: Yes.	18	MR. ZURBRIGGEN: Object to
19	BY MR. WEST:	19	form.
20	Q. And in your experience, what would be	20	THE WITNESS: No.
21	normal ways for a dog to respond if the door	21	BY MR. WEST:
22	is suddenly breached?	22	Q. Prior to the front door of Ms.
23	MR. ZURBRIGGEN: Object to	23	Alvarado's house being breached, did you,
24	form, but, Officer, you can answer.	24	yourself, have any concern that her dog might
	Page 62		Page 64
1		1	
1 2	THE WITNESS: They either	1 2	be frightened?
2	THE WITNESS: They either run or they bark at you. BY MR. WEST:	2	be frightened? MR. ZURBRIGGEN: Object to
2	THE WITNESS: They either run or they bark at you. BY MR. WEST: Q. Okay. And if the dog is running, is it	2	be frightened? MR. ZURBRIGGEN: Object to form.
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	Page 65		Page 67
1	BY MR. WEST:	1	objection.
2	Q. Okay. But in just commonsense, in	2	THE WITNESS: There are
3	normal experience, if you have a front door	3	exigent circumstances to jobs
4	and there's a dog barking and you smash the	4	with warrants, so there are times
5	door, don't you think that might startle the	5	that those are breached in less time
6		6	than that.
7	dog? MR. ZURBRIGGEN: Same	7	BY MR. WEST:
8		8	
9	objection.	9	Q. Understood. But in this situation,
10	THE WITNESS: I don't know.	10	were there any exigent circumstances,
	I can't tell you what the dog would		whatsoever, that you're aware of?
11	think.	11	MR. ZURBRIGGEN: Object to
12	BY MR. WEST:	12	form. Officer, you can answer.
13	Q. Okay. And you never received any	13	THE WITNESS: No, not that I
14	training from the Philadelphia Police	14	can recall.
15	Department about how to deal with that	15	BY MR. WEST:
16	situation, correct?	16	Q. Did Lt. Monk give the order to breach
17	MR. ZURBRIGGEN: Object to	17	the door?
18	form.	18	MR. ZURBRIGGEN: Object to
19	THE WITNESS: Correct.	19	form. Officer, you can answer.
20	BY MR. WEST:	20	THE WITNESS: Yes.
21	Q. Based on your training from the	21	BY MR. WEST:
22	Philadelphia Police Department, do you	22	Q. Do you have any personal knowledge as
23	believe that enough ample time was provided	23	to why Lt. Monk ordered the door to be
24	to Ms. Alvarado between the door being	24	breached at the time that he ordered the door
	_		
	Page 66		Page 68
	1436 00		
1		,	
1	knocked on, for her to answer the door before	1	to be breached?
2	the door was breached?	2	to be breached? MR. ZURBRIGGEN: Object to
2	the door was breached? MR. ZURBRIGGEN: Object to	2	to be breached? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer.
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2 3 4 5 6 7	the door was breached? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: I believe there was. BY MR. WEST:	2 3 4 5 6 7	to be breached? MR. ZURBRIGGEN: Object to form, but, Officer, you can answer. THE WITNESS: He gives the command to breach the door whenever he thinks the door needs to be breached. I can't testify why he
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	Page 69		Page 71
1	MR. ZURBRIGGEN: Object to	1	partition led to?
2	form.	2	A. I believe it was either the kitchen
3	THE WITNESS: I got bit by	3	area or dining room area.
4	the dog.	4	Q. Okay. And could you tell what Ms.
5	BY MR. WEST:	5	Alvarado was doing back there?
6	Q. Besides the dog bite, was there any	6	A. I cannot.
7	other reason that you felt it necessary to	7	Q. What was she wearing, if anything?
8	fire your gun at the dog?	8	A. I cannot tell you what she was wearing.
9	A. After the dog bit me he came back	9	Q. Do you have any recollection of if she
10	around and it looked like he was going to	10	was naked?
11	attempt to bite me again.	11	A. I do not.
12	Q. Okay. How far away was the dog when	12	Q. Did you hear her say anything?
13	you shot it?	1.3	A. No.
14	A. Roughly, about two feet away.	14	Q. I'll represent to you that there's some
15	Q. Okay. And how did you position the gun	15	statements in the police file that she claims
16	if you recall? Like what was the angle of	16	to have asked for an opportunity to put her
17	the gun at the time you fired it?	17	dog in its cage before being shot. Do you
18	A. Downward angle.	18	have any recollection if she may have said
19	Q. Do you recall at any point seeing Ms.	19	anything like that?
20	Alvarado on the date of the incident?	20	A. I do not.
21	A. After the entry team passed me and was	21	Q. Do you specifically recall that she did
22	coming back toward the front of the property,	22	not do it or you don't remember one way or
23	that's the first time I seen Ms. Alvarado.	23	another?
24	Q. Okay. Approximately, how long would	24	A. I don't recall her saying anything.
	Page 70		Page 72
1	that have been after the door being breached?	1	Q. Okay. So after the minute or so passes
2	A. The time I saw her? Is that what	2	and you see Ms. Alvarado near the partition,
3	you're asking?	3	did you hear her say anything after that?
4	Q. Yeah. I'm asking, say the door is	4	A. No.
5	breached, take that as zero hour, right, 0.0,	5	Q. Did you have any conversation with her?
6	how long after that time was it that you	6	A. No.
7	first saw Ms. Alvarado?	7	Q. At any point ever, have you ever
8	A. Like approximately, a minute or so.	8	personally heard Ms. Alvarado say anything
9	Under a minute.	9	that you can recall?
10	Q. Okay. And during that period of under	10	A. No.
11 12	a minute, do you know physically where Ms.	12	Q. Did you see if any officer pointed a
13	Alvarado was? A. During the entry time?	13	gun at Ms. Alvarado? A. I did not.
14	Q. Right. So the door is breached, less	14	Q. Do you specifically recall that no one
15	than a minute passes, then you see Ms.	15	did or you just can't remember whether or not
16	Alvarado, correct?	16	someone did or didn't?
17	A. Yes.	17	A. I don't know whether anyone did or did
18	Q. But in that period of time between the	18	not.
19	door being breached until you saw Ms.	19	Q. Okay. Have you ever been disciplined
20	Alvarado, do you know where she was?	20	since joining the Philadelphia Police
21	A. When the team was coming back toward	21	Department for any reason?
22	the front of the property I believe she was	22	MR. ZURBRIGGEN: Object to
23	behind the partition in front of me.	23	form, but, Officer, you can answer.
24	Q. Okay. And could you see where that	24	THE WITNESS: No, I don't
i		1	

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		Page 75
1 think so.	1	MR. ZURBRIGGEN: Object to
2 BY MR. WEST:	2	form.
3 Q. Have you ever been suspended for any	3	THE WITNESS: As far as I
4 reason?	4	know, no.
5 MR. ZURBRIGGEN: Same	5	BY MR. WEST:
6 objection. Officer, you can answer.	6	Q. To your knowledge, did the Philadelphia
7 THE WITNESS: No.	7	Police Department have any reason to enter
8 BY MR. WEST:	8	Ms. Alvarado's home on the date of the
9 Q. All right. I know we kind of got into	9	incident?
this before, but I don't think I closed the	10	
·	11	MR. ZURBRIGGEN: Object to
book of it. Tis far as in your experience now	12	form. Officer, you can answer.
the SWAT team would normally operate back in lune 2021 what was the role of the point		THE WITNESS: We were there
Julie, 2021, what was the fold of the point	13	to serve the warrant on the homicide
14 man, if any?	14	suspect.
MR. ZURBRIGGEN: Object to	15	BY MR. WEST:
form. Officer, you can answer.	16	Q. Okay. Was there any other
17 THE WITNESS: The role of	17	circumstances, such as was there any
the first person is going into the	18	reasonable suspicion, did she commit a crime,
19 door first.	19	was she threatening anyone? Was there any
20 BY MR. WEST:	20	other basis to your knowledge to enter her
Q. And then do what?	21	property?
A. And then you clear the room.	22	MR. ZURBRIGGEN: Object to
Q. Okay. When you say clear the property,	23	form. Officer, you can answer.
what does that mean?	24	THE WITNESS: No.
Page 74		Page 76
	1	
71. Tod clear the property of any dangers	2	BY MR. WEST:
that's in the property.	3	Q. And when this particular warrant was
Q. In your opinion, was ivis. Invariago's dog	4	executed, were there any exigent
a danger on the property.	5	circumstances or unusual circumstances,
Wik. Zekbridder. Object to		whatsoever, that you're aware of that
form, but, officer, you can answer.	6	required the warrant to be executed in an
7 THE WITNESS: What kind of	7	unusual manner?
8 danger are you talking about?	8	
0		MR. ZURBRIGGEN: Object to
9 BY MR. WEST:	9	form, but, Officer, you can answer.
10 Q. Sir, I'm just using the word you used.	9	form, but, Officer, you can answer. THE WITNESS: No.
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19 (Pages 73 to 76)

	Page 77		Page 79
1	required you to stay on overtime, correct?	1	something that would normally be done?
2	MR. ZURBRIGGEN: Object to	2	MR. ZURBRIGGEN: Object to
3	form.	3	form, but, Officer, you can answer.
4	THE WITNESS: Correct.	4	THE WITNESS: Well, I would
5	BY MR. WEST:	5	say with the warrants that we do,
6	Q. Do you believe that may have been any	6	that if it's a split, second floor,
7	motivation to try to get the job done	7	first floor, the common door is a
8	quickly?	8	door you enter to get to the second
9	MR. ZURBRIGGEN: Object to	9	floor.
10	form.	10	BY MR. WEST:
11	THE WITNESS: No.	11	Q. I understand. But in your experience
12	BY MR. WEST:	12	with the SWAT team now for a number of years,
13	Q. All right, sir, so I know that you	13	is it your experience that a door of this
14	previously testified that you believed that	14	type would normally be breached without a
15	there was likely a hallway on the other side	15	determination first being made whether or not
16	of the front door, correct?	16	the room on the other side of the door was a
17	MR. ZURBRIGGEN: Object to	17	common area or a private residence?
18	form.	18	MR. ZURBRIGGEN: Object to
19	THE WITNESS: Correct.	19	form. Officer, you can answer.
20	BY MR. WEST:	20	THE WITNESS: Well, I think
21	Q. To your knowledge, was any effort made	21	the two mailboxes showed that that
22	by anyone with the Philadelphia Police	22	would be the main entrance for the
23	Department to try to determine if the room	23	first floor and the second floor.
24	behind that front door was a common hallway	24	BY MR. WEST:
	beining that from door was a common nanway		DI MK. WEST.
	Page 78	l .	Page 80
1	Page 78	1	Page 80
1 2	or an individually occupied apartment?	1 2	Q. All right. If you can just answer the
1 2 3	or an individually occupied apartment? MR. ZURBRIGGEN: Object to	2	Q. All right. If you can just answer the question I asked.
2	or an individually occupied apartment? MR. ZURBRIGGEN: Object to form. Officer, you can answer.	2	Q. All right. If you can just answer the question I asked. MR. WEST: Can you read back
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20 (Pages 77 to 80)

	Page 81		Page 83
1	that if it's going into a common	1	form. Officer, you can answer.
2	area or going into a hallway.	2	THE WITNESS: Well, I can't
3	BY MR. WEST:	3	say that every time, but in my
4	Q. Okay. And in your experience on the	4	experience, every time that I've
5	Philadelphia Police Department, was there	5	done a warrant that's if there's no
6	normally any sort of process and procedure in	6	other access if you breach that door
7	place to try to make that determination?	7	it's a split to the best of my
8	MR. ZURBRIGGEN: Same	8	knowledge.
9	objection. Officer, you can answer.	9	BY MR. WEST:
10	THE WITNESS: I would say	10	Q. Now, you're aware now that there
11	through the experience of all the	11	actually was a rear door to Ms. Alvarado's
12	warrants, I would say almost all the	12	house, correct?
13	time that door is the door for a	13	MR. ZURBRIGGEN: Object to
14	split for one to go up to the second	14	the form.
15	floor and one going to the first	15	THE WITNESS: Correct.
16	floor.	16	BY MR. WEST:
17	BY MR. WEST:	17	Q. So if you knew that there was a door
18	Q. Okay. So is it your experience with	18	that led to the first floor and that the
19	the Philadelphia Police Department that the	19	warrant was only for the second floor rear
20	presumption is that you can always enter	20	and you knew that there was a rear entrance,
21	through a door on the first floor?	21	if you had known all of that, would that have
22	MR. ZURBRIGGEN: Object to	22	been enough to lead you to believe that you
23	form. Officer, you can answer.	23	legally were not allowed to go through the
24	THE WITNESS: There are I	24	front door?
	THE WITNESS. There are		none door.
	Page 82		Page 84
	_		rage of
1		1	
1 2	will say there are properties that has two front doors and obviously,	1 2	MR. ZURBRIGGEN: Object to
	will say there are properties that has two front doors and obviously,		
2	will say there are properties that	2	MR. ZURBRIGGEN: Object to form. Officer, you can answer.
2	will say there are properties that has two front doors and obviously, one door is clearly marked saying	2	MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Well, all
2 3 4	will say there are properties that has two front doors and obviously, one door is clearly marked saying that this is the second floor then	2 3 4	MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Well, all houses have back doors, it's not
2 3 4 5	will say there are properties that has two front doors and obviously, one door is clearly marked saying that this is the second floor then we obviously go through that door,	2 3 4 5	MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Well, all houses have back doors, it's not saying that just because it's a back
2 3 4 5 6	will say there are properties that has two front doors and obviously, one door is clearly marked saying that this is the second floor then we obviously go through that door, but in this instance there's one	2 3 4 5 6	MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Well, all houses have back doors, it's not saying that just because it's a back door it's going to lead to the second floor, it could have led to
2 3 4 5 6 7	will say there are properties that has two front doors and obviously, one door is clearly marked saying that this is the second floor then we obviously go through that door, but in this instance there's one door and it seemed like it was the	2 3 4 5 6 7	MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Well, all houses have back doors, it's not saying that just because it's a back door it's going to lead to the
2 3 4 5 6 7 8	will say there are properties that has two front doors and obviously, one door is clearly marked saying that this is the second floor then we obviously go through that door, but in this instance there's one door and it seemed like it was the only common door to go into the	2 3 4 5 6 7 8	MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Well, all houses have back doors, it's not saying that just because it's a back door it's going to lead to the second floor, it could have led to the back of the property of the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	will say there are properties that has two front doors and obviously, one door is clearly marked saying that this is the second floor then we obviously go through that door, but in this instance there's one door and it seemed like it was the only common door to go into the property. So do you want to ask the same question? I think that's the best way I can answer it. BY MR. WEST: Q. Okay. Sir, I believe you testified a moment ago that when you see a door like this, your expectation is that 90 percent of the time normally it's a common area, right? MR. ZURBRIGGEN: Object to form. THE WITNESS: Yes. BY MR. WEST:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Well, all houses have back doors, it's not saying that just because it's a back door it's going to lead to the second floor, it could have led to the back of the property of the first floor. BY MR. WEST: Q. All right. Based on all that we just described, the fact that the warrant was for the second floor rear, the fact that there was a rear entrance, and the fact that the warrant was not for the first floor, taking all those factors into consideration that you're aware of now, would that have been enough to let you know on the date of the incident that if you breached the first floor door there was at least a possibility that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	will say there are properties that has two front doors and obviously, one door is clearly marked saying that this is the second floor then we obviously go through that door, but in this instance there's one door and it seemed like it was the only common door to go into the property. So do you want to ask the same question? I think that's the best way I can answer it. BY MR. WEST: Q. Okay. Sir, I believe you testified a moment ago that when you see a door like this, your expectation is that 90 percent of the time normally it's a common area, right? MR. ZURBRIGGEN: Object to form. THE WITNESS: Yes. BY MR. WEST: Q. And, of course, if you say it's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Well, all houses have back doors, it's not saying that just because it's a back door it's going to lead to the second floor, it could have led to the back of the property of the first floor. BY MR. WEST: Q. All right. Based on all that we just described, the fact that the warrant was for the second floor rear, the fact that there was a rear entrance, and the fact that the warrant was not for the first floor, taking all those factors into consideration that you're aware of now, would that have been enough to let you know on the date of the incident that if you breached the first floor door there was at least a possibility that you would be entering the apartment of a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	will say there are properties that has two front doors and obviously, one door is clearly marked saying that this is the second floor then we obviously go through that door, but in this instance there's one door and it seemed like it was the only common door to go into the property. So do you want to ask the same question? I think that's the best way I can answer it. BY MR. WEST: Q. Okay. Sir, I believe you testified a moment ago that when you see a door like this, your expectation is that 90 percent of the time normally it's a common area, right? MR. ZURBRIGGEN: Object to form. THE WITNESS: Yes. BY MR. WEST: Q. And, of course, if you say it's normally or 90 percent a common area, that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Well, all houses have back doors, it's not saying that just because it's a back door it's going to lead to the second floor, it could have led to the back of the property of the first floor. BY MR. WEST: Q. All right. Based on all that we just described, the fact that the warrant was for the second floor rear, the fact that there was a rear entrance, and the fact that the warrant was not for the first floor, taking all those factors into consideration that you're aware of now, would that have been enough to let you know on the date of the incident that if you breached the first floor door there was at least a possibility that you would be entering the apartment of a different person who was not identified on

21 (Pages 81 to 84)

	Page 85		Page 87
1	MR. ZURBRIGGEN: Object to	1	that, as everybody else would think,
2	form. Officer, you can answer.	2	that the rear door would enter the
3	THE WITNESS: I will still	3	rear of the property of the first
4	think that all houses have front	4	floor.
5	doors and back doors, right, I	5	BY MR. WEST:
6	will still think that if there's two	6	Q. Okay. So do you believe that there
7	mailboxes on the property and	7	would have been any need in this situation to
8	there's one door in the front, I	8	maybe contact the property manager to try to
9	would think that door would lead to	9	make sure that you're actually going into the
10	the first floor and a hallway to	10	right apartment?
11	take me up to the second floor.	11	MR. ZURBRIGGEN: Object to
12	BY MR. WEST:	12	form. Officer, you can answer.
13	Q. And what would your confidence level	13	THE WITNESS: That's beyond
14	be, on a scale of one to ten, how confident	14	my responsibility.
15	would you be that that first floor door	15	BY MR. WEST:
16	didn't lead to a first floor apartment?	16	Q. Okay. And did you ever receive any
17	MR. ZURBRIGGEN: Object to	17	training from the Philadelphia Police
18	form. Officer, you can answer if	18	Department under what circumstances that kind
19	you can.	19	of investigation should be made?
20	THE WITNESS: If I was	20	MR. ZURBRIGGEN: Object to
21	running the job, I would say it	21	form.
22	would be ten, that would be the door	22	THE WITNESS: What kind of
23	that you would go into.	23	investigation are you talking about?
24	BY MR. WEST:	24	BY MR. WEST:
	Page 86		Page 88
1		1	
1 2	Q. So you would say a ten out of ten a zero percent chance that the door on the	1 2	Q. Sure. Did you ever receive any
	Q. So you would say a ten out of ten a		
2	Q. So you would say a ten out of ten a zero percent chance that the door on the	2	Q. Sure. Did you ever receive any training from the Philadelphia Police
2	Q. So you would say a ten out of ten a zero percent chance that the door on the first floor leads to the first floor	2	Q. Sure. Did you ever receive any training from the Philadelphia Police Department with regards to how to execute a
2 3 4	Q. So you would say a ten out of ten a zero percent chance that the door on the first floor leads to the first floor apartment?	2 3 4	Q. Sure. Did you ever receive any training from the Philadelphia Police Department with regards to how to execute a search warrant?
2 3 4 5	Q. So you would say a ten out of ten a zero percent chance that the door on the first floor leads to the first floor apartment? MR. ZURBRIGGEN: Same	2 3 4 5	Q. Sure. Did you ever receive any training from the Philadelphia Police Department with regards to how to execute a search warrant? A. Yes.
2 3 4 5 6	Q. So you would say a ten out of ten a zero percent chance that the door on the first floor leads to the first floor apartment? MR. ZURBRIGGEN: Same objection.	2 3 4 5	Q. Sure. Did you ever receive any training from the Philadelphia Police Department with regards to how to execute a search warrant? A. Yes. Q. Okay.
2 3 4 5 6 7	Q. So you would say a ten out of ten a zero percent chance that the door on the first floor leads to the first floor apartment? MR. ZURBRIGGEN: Same objection. THE WITNESS: Nothing is a	2 3 4 5 6 7	Q. Sure. Did you ever receive any training from the Philadelphia Police Department with regards to how to execute a search warrant? A. Yes. Q. Okay. MR. WEST: I'd like to mark
2 3 4 5 6 7 8	Q. So you would say a ten out of ten a zero percent chance that the door on the first floor leads to the first floor apartment? MR. ZURBRIGGEN: Same objection. THE WITNESS: Nothing is a hundred percent, but if it was my	2 3 4 5 6 7 8	Q. Sure. Did you ever receive any training from the Philadelphia Police Department with regards to how to execute a search warrant? A. Yes. Q. Okay. MR. WEST: I'd like to mark
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2 3 4 5 6 7 8 9	Q. So you would say a ten out of ten a zero percent chance that the door on the first floor leads to the first floor apartment? MR. ZURBRIGGEN: Same objection. THE WITNESS: Nothing is a hundred percent, but if it was my decision, that would have been the door that I went into.	2 3 4 5 6 7 8 9	Q. Sure. Did you ever receive any training from the Philadelphia Police Department with regards to how to execute a search warrant? A. Yes. Q. Okay. MR. WEST: I'd like to mark this document as Song-2.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. So you would say a ten out of ten a zero percent chance that the door on the first floor leads to the first floor apartment? MR. ZURBRIGGEN: Same objection. THE WITNESS: Nothing is a hundred percent, but if it was my decision, that would have been the door that I went into. BY MR. WEST: Q. And not the rear door? MR. ZURBRIGGEN: Same objection. THE WITNESS: Every house has two doors, there's a door in the back and there's a door in the front.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Sure. Did you ever receive any training from the Philadelphia Police Department with regards to how to execute a search warrant? A. Yes. Q. Okay. MR. WEST: I'd like to mark this document as Song-2. (Whereupon, Song-2 was marked for identification.) BY MR. WEST: Q. I only have one printed copy, but can you recognize it, it's Bates stamped? All right. So, sir, I'd ask for you to review that document real quick and then once you had a chance to look it over briefly I'm
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. So you would say a ten out of ten a zero percent chance that the door on the first floor leads to the first floor apartment? MR. ZURBRIGGEN: Same objection. THE WITNESS: Nothing is a hundred percent, but if it was my decision, that would have been the door that I went into. BY MR. WEST: Q. And not the rear door? MR. ZURBRIGGEN: Same objection. THE WITNESS: Every house has two doors, there's a door in the back and there's a door in the front. BY MR. WEST: Q. I understand, but why wouldn't you have entered the rear door? MR. ZURBRIGGEN: Same	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Sure. Did you ever receive any training from the Philadelphia Police Department with regards to how to execute a search warrant? A. Yes. Q. Okay. MR. WEST: I'd like to mark this document as Song-2. (Whereupon, Song-2 was marked for identification.) BY MR. WEST: Q. I only have one printed copy, but can you recognize it, it's Bates stamped? All right. So, sir, I'd ask for you to review that document real quick and then once you had a chance to look it over briefly I'm going to ask you some questions about it. So these are Bates stamped as D000235 to 242. And actually, it's just because these are printed on two sides you know what, I'm
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. So you would say a ten out of ten a zero percent chance that the door on the first floor leads to the first floor apartment? MR. ZURBRIGGEN: Same objection. THE WITNESS: Nothing is a hundred percent, but if it was my decision, that would have been the door that I went into. BY MR. WEST: Q. And not the rear door? MR. ZURBRIGGEN: Same objection. THE WITNESS: Every house has two doors, there's a door in the back and there's a door in the front. BY MR. WEST: Q. I understand, but why wouldn't you have entered the rear door? MR. ZURBRIGGEN: Same objection. Officer, you can answer.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Sure. Did you ever receive any training from the Philadelphia Police Department with regards to how to execute a search warrant? A. Yes. Q. Okay. MR. WEST: I'd like to mark this document as Song-2. (Whereupon, Song-2 was marked for identification.) BY MR. WEST: Q. I only have one printed copy, but can you recognize it, it's Bates stamped? All right. So, sir, I'd ask for you to review that document real quick and then once you had a chance to look it over briefly I'm going to ask you some questions about it. So these are Bates stamped as D000235 to 242. And actually, it's just because these are printed on two sides you know what, I'm going to take this page out. So Exhibit 2 is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. So you would say a ten out of ten a zero percent chance that the door on the first floor leads to the first floor apartment? MR. ZURBRIGGEN: Same objection. THE WITNESS: Nothing is a hundred percent, but if it was my decision, that would have been the door that I went into. BY MR. WEST: Q. And not the rear door? MR. ZURBRIGGEN: Same objection. THE WITNESS: Every house has two doors, there's a door in the back and there's a door in the front. BY MR. WEST: Q. I understand, but why wouldn't you have entered the rear door? MR. ZURBRIGGEN: Same	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Sure. Did you ever receive any training from the Philadelphia Police Department with regards to how to execute a search warrant? A. Yes. Q. Okay. MR. WEST: I'd like to mark this document as Song-2. (Whereupon, Song-2 was marked for identification.) BY MR. WEST: Q. I only have one printed copy, but can you recognize it, it's Bates stamped? All right. So, sir, I'd ask for you to review that document real quick and then once you had a chance to look it over briefly I'm going to ask you some questions about it. So these are Bates stamped as D000235 to 242. And actually, it's just because these are printed on two sides you know what, I'm

22 (Pages 85 to 88)

	Page 89		Page 91
1	looking at that my question is going to be,	1	Q. Okay. The same day as the shooting?
2	have you ever seen that document before that	2	A. I believe it was the same day, yes.
3	you can recall? You've had a couple minutes	3	Q. Okay. And did you give any other
4	to review the document now, sir, do you	4	interviews related to this? Like were you
5	recall if you've ever seen it before?	5	interviewed by any detectives outside of
6	A. I have not finished reading it.	6	Internal Affairs, did you write anything up
7	MR. ZURBRIGGEN: Yeah, take	7	in the police report?
8	as much time as you need, Officer.	8	MR. ZURBRIGGEN: Object to
9	BY MR. WEST:	9	form, but, Officer, you can answer
10	Q. All right. Sir, so I think my prior	10	if you can.
11	question was, have you ever seen that	11	THE WITNESS: I believe it
12	document before?	12	was only Internal Affairs.
13	A. I believe it's the directive of the	13	BY MR. WEST:
14	Philadelphia Police Department.	14	Q. Okay. And how long was that interview
15	Q. Right. And it says that right on the	15	approximately?
16	document, right? But what I'm asking you is,	16	A. About an hour maybe.
17	prior to being shown it today, have you ever	17	Q. Do you recall if anybody was present to
18	seen that specific document before?	18	record that interview?
19	A. This document, no.	19	A. I do not recall.
20	Q. Do you know whether or not the	20	Q. And who interviewed you?
21	Philadelphia Police Department has a	21	A. I don't know.
22	directive regarding how search warrants	22	Q. Sir, so I'm going to read from, for the
23	should be executed?	23	record this is a document that's been Bates
24	MR. ZURBRIGGEN: Object to	24	stamped by the defense as D000162, that's
	Page 90		Page 92
1	form, but, Officer, you can answer	1	from directive 5.7 of the Philadelphia Police
2	if you can.	2	Department that has been produced to us by
3	THE WITNESS: I believe	3	the defense, and it says, knock and announce
4	there is a directive.	4	rule. The purpose of the knock and announce
5	BY MR. WEST:	5	rule is to prevent violence and physical
6	Q. Have you ever personally read it?	6	injury to police and occupants, to protect an
7	MR. ZURBRIGGEN: Object to	7	occupant's expectation of privacy, to prevent
8	form but, Officer, you can answer.	8	property damage resulting from entry, and to
9	THE WITNESS: I believe I	9	give the occupants an opportunity to
10	have.	10	surrender the premises. Have you ever read
11	BY MR. WEST:	11	anything like that before?
12	Q. Okay. And when did you read that?	12	MR. ZURBRIGGEN: Object to
13	A. I do not recall.	13	form. Officer, you can answer if
14	Q. Do you have any specific recollection	14	you can.
15	of having read any such document?	15	THE WITNESS: Not that I
16	A. I have read it, yes.	16	recall, no.
17	Q. All right. So, sir, I believe you	17	BY MR. WEST:
18	testified earlier that you did give an	18	Q. Okay. In your opinion, having, you
19	interview to the Internal Affairs after this	19	know, whatever training you've received from
20	incident?	20	the Philadelphia Police Department and the
21	A. Correct.	21	fact that you were there, do you believe that
22	Q. Can you tell me about when did that	22	Ms. Alvarado was given an opportunity to
23	take place?	23	surrender the premises before her front door
	A 773 1	24	was breached?
24	A. The same day.		was broadled.

23 (Pages 89 to 92)

	Page 93		Page 95
1	MR. ZURBRIGGEN: Object to	1	BY MR. WEST:
2	form. Officer, you can answer.	2	Q. Right. So if only two seconds passed
3	THE WITNESS: Yes.	3	between the knock and the door being
4	BY MR. WEST:	4	breached, would it be fair to say that she
5	Q. And what was that opportunity?	5	was not given an opportunity to surrender the
6	MR. ZURBRIGGEN: Object to	6	premises?
7	form. Officer, you can answer.	7	MR. ZURBRIGGEN: Object to
8	THE WITNESS: During the	8	form.
9	knock and announce.	9	THE WITNESS: Yes.
10	BY MR. WEST:	10	MR. WEST: Okay. I have no
11	Q. Okay. And was she given any other	11	further questions.
12	opportunity besides the knock and announce?	12	MR. ZURBRIGGEN: A quick
13	MR. ZURBRIGGEN: Object to	13	follow-up.
14	form. Officer, you can answer.	14	
15	THE WITNESS: In what way	15	EXAMINATION
16	are you talking about?	16	
17	BY MR. WEST:	17	BY MR. ZURBRIGGEN:
18	Q. Well, I'm just trying to see. So it	18	Q. Officer, I want to direct your
19	says that she's supposed to get an	19	attention back to what's been previously
20	opportunity to surrender the premises, right?	20	marked Song-1. That's that picture there.
21	So I'm trying to determine all opportunities	21	If you would take a look at that. Officer,
22	that were afforded to her based on your	22	you testified earlier, I believe, that it was
23	personal knowledge. And I think you said	23	the third building from the right that you
24	that there was a knock before the door was	24	believe is the building in question; is that
	that there was a knock before the door was		serieve is the summing in question, is that
	Page 94		Page 96
			1496 70
1	breached correct?	1	
1 2	breached, correct?	1 2	correct, sir?
2	A. Yes.	2	correct, sir? A. Correct.
2	A. Yes. Q. All right. Now, I don't want to miss	2	correct, sir? A. Correct. Q. Can you see from the picture that we're
2 3 4	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity	2	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that
2	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises?	2 3 4	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property?
2 3 4 5	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to	2 3 4 5	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No.
2 3 4 5 6	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form.	2 3 4 5	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front
2 3 4 5 6 7	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No.	2 3 4 5 6 7	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything?
2 3 4 5 6 7 8	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST:	2 3 4 5 6 7 8	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything? A. The address.
2 3 4 5 6 7 8	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. So if this should turn out to be	2 3 4 5 6 7 8	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything? A. The address. Q. How did it read, sir, if you can
2 3 4 5 6 7 8 9	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. So if this should turn out to be shown by video surveillance that there was	2 3 4 5 6 7 8 9	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything? A. The address. Q. How did it read, sir, if you can recall?
2 3 4 5 6 7 8 9 10	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. So if this should turn out to be shown by video surveillance that there was only like two seconds that passed between the	2 3 4 5 6 7 8 9 10	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything? A. The address. Q. How did it read, sir, if you can recall? A. I believe it read 4664.
2 3 4 5 6 7 8 9 10 11	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. So if this should turn out to be shown by video surveillance that there was only like two seconds that passed between the officers getting to the door and the door	2 3 4 5 6 7 8 9 10 11	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything? A. The address. Q. How did it read, sir, if you can recall? A. I believe it read 4664. Q. Do you recall any other markings that
2 3 4 5 6 7 8 9 10 11 12 13	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. So if this should turn out to be shown by video surveillance that there was only like two seconds that passed between the officers getting to the door and the door being breached, would it be fair to say that	2 3 4 5 6 7 8 9 10 11 12 13	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything? A. The address. Q. How did it read, sir, if you can recall? A. I believe it read 4664. Q. Do you recall any other markings that would indicate that it was for the first
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. So if this should turn out to be shown by video surveillance that there was only like two seconds that passed between the officers getting to the door and the door being breached, would it be fair to say that she was not given any opportunity to	2 3 4 5 6 7 8 9 10 11 12 13	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything? A. The address. Q. How did it read, sir, if you can recall? A. I believe it read 4664. Q. Do you recall any other markings that
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. So if this should turn out to be shown by video surveillance that there was only like two seconds that passed between the officers getting to the door and the door being breached, would it be fair to say that she was not given any opportunity to surrender the premises; is that fair?	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything? A. The address. Q. How did it read, sir, if you can recall? A. I believe it read 4664. Q. Do you recall any other markings that would indicate that it was for the first floor apartment? A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. So if this should turn out to be shown by video surveillance that there was only like two seconds that passed between the officers getting to the door and the door being breached, would it be fair to say that she was not given any opportunity to	2 3 4 5 6 7 8 9 10 11 12 13 14 15	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything? A. The address. Q. How did it read, sir, if you can recall? A. I believe it read 4664. Q. Do you recall any other markings that would indicate that it was for the first floor apartment?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. So if this should turn out to be shown by video surveillance that there was only like two seconds that passed between the officers getting to the door and the door being breached, would it be fair to say that she was not given any opportunity to surrender the premises; is that fair? MR. ZURBRIGGEN: Object to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything? A. The address. Q. How did it read, sir, if you can recall? A. I believe it read 4664. Q. Do you recall any other markings that would indicate that it was for the first floor apartment? A. No. MR. ZURBRIGGEN: That's all I have.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. So if this should turn out to be shown by video surveillance that there was only like two seconds that passed between the officers getting to the door and the door being breached, would it be fair to say that she was not given any opportunity to surrender the premises; is that fair? MR. ZURBRIGGEN: Object to form. BY MR. WEST:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything? A. The address. Q. How did it read, sir, if you can recall? A. I believe it read 4664. Q. Do you recall any other markings that would indicate that it was for the first floor apartment? A. No. MR. ZURBRIGGEN: That's all
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. So if this should turn out to be shown by video surveillance that there was only like two seconds that passed between the officers getting to the door and the door being breached, would it be fair to say that she was not given any opportunity to surrender the premises; is that fair? MR. ZURBRIGGEN: Object to form. BY MR. WEST: Q. Is that fair?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything? A. The address. Q. How did it read, sir, if you can recall? A. I believe it read 4664. Q. Do you recall any other markings that would indicate that it was for the first floor apartment? A. No. MR. ZURBRIGGEN: That's all I have. MR. WEST: Okay. Sir, I wish we would have meant under other
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. So if this should turn out to be shown by video surveillance that there was only like two seconds that passed between the officers getting to the door and the door being breached, would it be fair to say that she was not given any opportunity to surrender the premises; is that fair? MR. ZURBRIGGEN: Object to form. BY MR. WEST: Q. Is that fair? MR. ZURBRIGGEN: Object to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything? A. The address. Q. How did it read, sir, if you can recall? A. I believe it read 4664. Q. Do you recall any other markings that would indicate that it was for the first floor apartment? A. No. MR. ZURBRIGGEN: That's all I have. MR. WEST: Okay. Sir, I wish we would have meant under other circumstances. Thank you very much
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. So if this should turn out to be shown by video surveillance that there was only like two seconds that passed between the officers getting to the door and the door being breached, would it be fair to say that she was not given any opportunity to surrender the premises; is that fair? MR. ZURBRIGGEN: Object to form. BY MR. WEST: Q. Is that fair?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything? A. The address. Q. How did it read, sir, if you can recall? A. I believe it read 4664. Q. Do you recall any other markings that would indicate that it was for the first floor apartment? A. No. MR. ZURBRIGGEN: That's all I have. MR. WEST: Okay. Sir, I wish we would have meant under other
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. All right. Now, I don't want to miss anything. Was there any other opportunity given to her to surrender the premises? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. So if this should turn out to be shown by video surveillance that there was only like two seconds that passed between the officers getting to the door and the door being breached, would it be fair to say that she was not given any opportunity to surrender the premises; is that fair? MR. ZURBRIGGEN: Object to form. BY MR. WEST: Q. Is that fair? MR. ZURBRIGGEN: Object to form. Officer, you can answer.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	correct, sir? A. Correct. Q. Can you see from the picture that we're looking at here the front door to that property? A. No. Q. Do you recall what was on that front door, if anything? A. The address. Q. How did it read, sir, if you can recall? A. I believe it read 4664. Q. Do you recall any other markings that would indicate that it was for the first floor apartment? A. No. MR. ZURBRIGGEN: That's all I have. MR. WEST: Okay. Sir, I wish we would have meant under other circumstances. Thank you very much for your time.

24 (Pages 93 to 96)

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Page 97
 1
              the record at 11:34 a.m.
 2
 3
                    (Whereupon, the videotape
 4
              deposition concluded at 11:34 a.m.)
 5
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                                          Page 98
 1
             CERTIFICATE
 3
 4
 5
          I, hereby certify that the proceedings
 6
       and evidence noted are contained fully and
 7
       accurately in the stenographic notes taken by
 8
       me in the foregoing matter, and that this is
 9
       a correct transcript of the same.
10
11
12
             Court Reporter - Notary Public
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15
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       certifying reporter.)
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A	70:12,16,20	46:22 47:20	14:1 69:24	38:9 45:12
a.m 1:15 5:1	71:5 72:2,8,12	48:8,16 49:2	70:8 91:15	46:6,11 47:18
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EXHIBIT "Q"

Transcript of the Testimony of: Officer Joshua Burkitt

Date: September 20, 2023

Case: Alvarado v. City of Philadelphia, et al

Diamond Court Reporting Phone: 856-589-1107

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IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY, PENNSYLVANIA

- - -

FELISHATAY ALVARADO : JUNE TERM, 2022

:

vs.

:

CITY OF PHILADELPHIA, et al : NO. 1633

WEDNESDAY, SEPTEMBER 20, 2023

- - -

Videotape Oral Deposition of OFFICER
JOSHUA BURKITT, taken at Victims' Recovery Law
Center, The North American Building, 121 South
Broad Street, 18th Floor, Philadelphia,
Pennsylvania, commencing at 10:10 a.m., before
Denise Weller, a Professional Shorthand Reporter
and Notary Public in and for the Commonwealth of
Pennsylvania.

DIAMOND COURT REPORTING
406 Redbud Lane
Mantua, New Jersey 08051
(856) 292-4292
dcr.diamond@comcast.net

		Page 2		Page 4
1	APPEARA	NCES:	1	
2			2	PROCEEDINGS
3		RECOVERY LAW CENTER H WEST, ESQUIRE	3	
4		American Building	4	(It is hereby stipulated and agreed
_		Broad Street	5	by and between counsel that signing,
5	18th Floor Philadelphi	a, PA 19107	6	sealing, filing and certification are
6	(215) 546-	1433	7	waived; and that all objections, except as
7		imrecoverylaw.com	8	to the form of the questions, are reserved
8	Attorney ic	r the Plaintiff	9	until the time of trial.)
		HILADELPHIA	10	,
9		ARTMENT M ZURBRIGGEN, ESQUIRE	11	MR. WEST: By usual stipulations we
10	1515 Arch		12	mean that all objections except for as to
11	14th Floor	DA 10102	13	the form of the question are reserved until
11	(215) 683-	a, PA 19102 5114	14	the time of trial. Is that
12	Adam.zurb	riggen@phila.gov	15	MR. ZURBRIGGEN: That's fine here.
13	Attorney for	r the Defendants	16	MR. WEST: Okay.
14			17	THE VIDEOTAPE TECHNICIAN:
15			18	Deposition of Police Officer Joshua Burkitt.
16 17			19	This, the audio/video deposition for use at
18			20	trial in the matter of Alvarado versus City
19 20			21	of Philadelphia, et al; Philadelphia Court
21			22	of Common Pleas docket number 220601633 and
22			23	I am the video operator.
23 24			24	My name is Courtney Kitcherman. And
				·
		Page 3		Page 5
1		INDEX	1	I am employed by the Victims' Recovery Law
2			2	Center. My address 121 South Broad Street,
3	WITNESS	PAGE	3	18th Floor, Philadelphia, Pennsylvania,
4			4	19107.
5	OFFICER	JOSHUA BURKITT	5	Today's date is September 20th at
6	(By Mr. V	Vest) 6	6	10:13 a.m. This deposition is being
7			7	performed in person. The caption of this
8			8	case is Alvarado versus City of
9			9	Philadelphia, et al, Court of Common Pleas
10			10	docket number 220601633. The witness being
11			11	deposed today is Officer Joshua Burkitt.
12			12	This deposition is being taken on behalf of
13		EXHIBITS	13	Plaintiff Felishatay Alvarado.
14	NO.	DESCRIPTION PAGE	14	The officer taking this deposition
15			15	is Denise Weller. And she shall swear the
16	Burkitt-1	Interview Record 11	16	witness in at this time.
17	Burkitt-2	Search Warrant 20	17	OFFICED VOCANIA DAMPARE A
18	Burkitt-3	Recon Sheet 22	18	OFFICER JOSHUA BURKITT, after having
19	Burkitt-4	Google Map 24	19	been first duly sworn, was examined and
20	Burkitt-5	File Notes 26	20	testified as follows:
21	Burkitt-6	Property Search 32	21	
22	Burkitt-7	Google Map 39	22	EXAMINATION
23 24			23	PV MD WEST.
24			24	BY MR. WEST:
				I I

2 (Pages 2 to 5)

Page 6 Page 8 1 Q. Good morning --Q. That's it. This is not intended to be an 2 2 A. Good morning. unnecessarily uncomfortable process. If you want 3 3 to take a break at any time, you want some water, Q. - Officer -- it's officer, right? 4 4 A. Yeah. Officer Burkitt. You can call me coffee, whatever, just let us know. We will try 5 5 to be as accommodating as possible, okay? Josh, Officer Burkitt, whatever. 6 6 A. All right. Q. That's okay. If you don't mind, I will 7 7 Q. And similarly, you know, the questions call you Officer Burkitt. 8 are -- I'm going to ask them to the best of my 8 A. It's okay with me. 9 ability in the hope that you understand them. 9 Q. All right. And you're a member of the 10 So if I ask you a question that you don't 10 SWAT team, right? 11 understand for any reason, you know, please don't 11 A. Yes, sir. 12 answer it. Just let me know that you would like 12 Q. In the City of Philadelphia. All right. 13 me to rephrase the question, speak louder, 13 Have you ever been in a deposition before? 14 quieter, rephrase the question, whatever, okay? 14 A. Negative. No. 15 15 Q. That's fine. So just quickly I will go 16 Q. I will be glad to reanswer any question 16 over -- kind of explain the process to you. Your 17 if you have any trouble understanding it, okay? 17 attorney might have done so as well. But your 18 A. Okay. 18 only obligation today is to give truthful 19 Q. I will try to be considerate of your 19 testimony based on what you personally know. So 20 time, because I know you've got a lot going on. 20 please answer the question you're asked truthfully 21 So you were on duty earlier today; is that 21 to the best of your ability. But we are not 22 correct? 22 asking you at any time to guess or speculate, 23 A. Yes. 23 okay? 24 Q. What time did your shift start? 2.4 A. Okay. Page 7 Page 9 1 1 A. My shift started at 11:00 p.m. Q. Like this is not the equivalent to like 2 multiple -- multiple option test where you are Q. Okay. And how long do the shifts you 3 supposed to answer every question. Just let us 3 normally work on, how long are they? 4 4 know what you do and do not know, okay? A. They vary. But no less than eight hours. 5 5 Q. Okay. And right now you're coming up A. All right. 6 6 Q. We do want to know everything you know, towards 12 hours, right? 7 7 though. So if you are able to give an estimation A. Coming up towards what? 8 8 Q. It's almost 11:00 a.m., so you're almost or approximation, please, you know, give us your 9 9 best estimate or approximation, if you have at 12 hours, right? 10 10 A. Yes. partial knowledge of something. Just let us know 11 11 that you're giving an estimate or approximation, Q. Okay. How long have you been on the 12 12 okay? night shift, if that is what you call it? 13 13 A. I have been there since I got to SWAT, so A. Okay. 14 14 Q. You're already following the format about four years now. Q. Okay. And when did you begin on the --15 15 perfectly. But just to make sure you understand, 16 16 you said about four hours. Can you remember more this is similar to a conversation in a lot of 17 17 precisely when you joined the SWAT unit? ways. But we do have a court reporter here. She 18 has to write down everything that we say. So we 18 A. I went to the SWAT unit I believe it 19 19 have to be careful not to speak at the same time. was -- I want to say January, February of 2020. 2.0 And hand gestures, you know, that kind of thing 2.0 Q. Okay. What was your job prior to that? 21 21 that normally helps in a conversation, that won't A. I was 24th District patrol. 22 22 go on the written record. So we have to be sure Q. And how long were you a patrol officer? 23 23 that all of our responses are spoken, okay? A. I was patrol for two years. 24 Q. And what did you do before that? A. Okay.

3 (Pages 6 to 9)

Page 10 Page 12 1 1 A. Before I was in patrol --But it says, "At that time I could hear a 2 2 Q. Uh-huh. large dog barking from inside. The breacher was 3 3 A. - as a police officer? I worked down in given the order to initiate forcible entry into 4 Kensington at a sheet fabricator shop. 4 the location." So is that consistent with your 5 5 recollection that you could hear the dog barking Q. Okay. 6 6 A. Sheet metal fabrication. from inside the property prior to entry? 7 7 Q. So you -- just to make sure I understand A. Yes. 8 8 correctly. Do you think that it was approximately Q. Okay. Having a chance to review 9 2018 when you first joined the Philadelphia Police 9 Burkitt-1, is there anything in there that you 10 10 Department and that was your first job as a police look at it now and you think that that is not 11 11 officer; is that right? accurate? 12 12 A. I got hired in 2017. I went to the A. It seems accurate. 13 13 academy in 2017. Q. Okay. Prior to June 4th, 2021, had you 14 Q. And that is the Philadelphia Police 14 ever done any reconnaissance for the SWAT unit? 15 15 Academy, correct? A. I have reconned jobs, yes. 16 A. Yes. 16 Q. When did you first start -- when did you 17 17 Q. Okay. All right. So our incident do your first recon job as part of the SWAT unit? 18 occurred July -- June 4th, 2021 at a property with 18 A. During training you have to go out and do 19 the address of 4664 Torresdale Avenue. I just 19 like a mock-up, recon a property. 20 saw, because we are sitting here in the same room, 20 Q. Okay. So as part of the training that 21 21 that prior to today's deposition, immediately you received when you first were joining the SWAT 22 before, it looked like you read a statement that 22 unit, I guess before you were officially part of 23 23 you had given previously; is that correct? the SWAT unit, part of that training was how to do 24 A. Correct. 24 reconnaissance, correct? Page 11 Page 13 1 Q. Have you reviewed any other documents, 1 A. Correct. 2 pictures, video, anything else to prepare for 2 Q. All right. Did you -- and you have done 3 today's testimony? 3 reconnaissance as part of the SWAT unit ever 4 A. No. 4 since; is that correct? 5 Q. Okay. I will mark as Burkitt-1 a 5 A. Yes. 6 6 document I believe is the record of your Q. Okay. Do you have an estimate or 7 7 interview. approximation of how many recon jobs you have 8 8 9 9 (Whereupon, Exhibit Burkitt-1 was A. I couldn't tell you. I couldn't say. 10 10 marked for identification.) O. Dozens or more? 11 11 A. Yes. 12 BY MR. WEST: 12 Q. Okay. Did you take -- did you play any role in the recon of the 4664 Torresdale Avenue 13 Q. All right. So if you can just review 13 14 this real quick, does the document -- except for 14 property? 15 the highlighting, is the document that I have 15 A. No. 16 marked the same as the document that you reviewed? 16 Q. All right. If you were -- strike the 17 A. Yes. 17 question. 18 Q. Okay. And I believe this document says 18 You were part of the entry team that 19 19 breached the front door of the 4664 Torresdale that you did not actually witness the dog getting 2.0 shot; is that correct? 20 property, correct? 21 21 A. Correct. A. I was part of the entry team that went 22 22 Q. And I actually highlighted -- from my own in. I had nothing to do with breaching. 23 purposes, I highlighted part of it. It's my own 23 Q. Okay. Physically, if you recall, how far 24 highlighting. 24 were you behind the breaching team? So my --

4 (Pages 10 to 13)

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Page 14 Page 16 1 1 strike the question. Officer, if you know. 2 2 My understanding is that the breaching THE WITNESS: All I know is it 3 3 has -- that is supervisor, going over the team was two officers. One who had a ram and one 4 who had a -- what do you guys call that, the 4 warrant. That is what the supervisor does. 5 5 Handlin tool or something? I have nothing to do with that. So I'm not 6 6 A. Halligan. exactly sure what the warrant entails. I 7 Q. Halligan. So the breaching team was the 7 know that it has to have specific things on 8 8 officer who had the ram and the officer who had it such as an address. But I don't know if 9 the Halligan tool, correct? 9 it has to have a physical description of the 10 10 A. Correct. property. We -- that's all I know. 11 11 Q. How far behind them were you? BY MR. WEST: 12 12 A. Maybe -- I couldn't really give you an Q. Okay. So when you do reconnaissance jobs 13 13 accurate -- maybe a car length away from them I as part of the SWAT unit, is that in order to 14 was, stacked up on the wall outside the house. 14 figure out how to enter a property that is 15 15 Q. Right. described in a warrant? 16 A. So I was some distance from them. I 16 A. So yeah. It's the best and safest way to 17 17 believe I was the -- I was on the second entry not only make entry, but to approach a property. 18 team. And I was the second guy on that team. And 18 Q. Okay. And in order to do that as part of 19 I believe I was some distance away. 19 the reconnaissance, you have to look at the 20 Q. But prior to the dog getting shot, you 20 warrant and figure out where the SWAT unit is 21 21 were one of the officers that had actually entered supposed to go, correct? 22 the building, correct? 22 MR. ZURBRIGGEN: Object to form. 23 23 A. Correct. Yes. But Officer, you can answer. 24 Q. It might sound like a basic question, but 24 THE WITNESS: Right. A supervisor Page 15 Page 17 1 1 why did you go into the property? will observe the warrant. And so my job in 2 2 terms of reconning a job, the supervisor, he MR. ZURBRIGGEN: Object to form. 3 3 reads the warrant. And I pull the job on But Officer, if you can. 4 4 THE WITNESS: I believe we were the computer, we verify the location on the 5 5 serving a warrant at location, a homicide computer, the addresses on the computer and 6 6 warrant. then with what is on the warrant. And then 7 7 BY MR. WEST: someone -- and particularly two officers and 8 8 Q. Okay. Had you ever seen the warrant -a supervisor have to go out and look at the 9 9 strike the question. location themselves. 10 10 BY MR. WEST: Have you ever seen a warrant for that --11 11 A. Did I physically look at that warrant? Q. Okay. Have you ever done reconnaissance 12 12 Q. Uh-huh. on a warrant for an apartment? So to explain, the 13 13 warrant specifies entry into a certain apartment A. No. 14 14 Q. Did you know what the warrant actually in a building, multi-residence building. 15 15 said? A. Yes. 16 16 A. Like as in terms of a description of the Q. And so as part of that reconnaissance, is 17 property or a description of the location as to 17 it your understanding that the SWAT unit has to 18 why we were hitting it? No, I didn't look at the 18 figure out how to enter that specific apartment 19 19 unit without entering anyone else's property, 2.0 20 Q. Okay. So when you're enforcing a since the other properties are not part of the 21 21 warrant, it would usually give a physical warrant? 22 22 description, like an address, of the property that MR. ZURBRIGGEN: Object to form. 23 23 you're allowed to enter, correct? Officer, you can answer, if you can. 24 THE WITNESS: So I am trying to 24 MR. ZURBRIGGEN: Object to form.

Page 18 Page 20 1 1 think. When we are doing a recon for a A. I believe it was a homicide warrant. 2 2 property like that, typically we try and Q. Okay. I will mark the search warrant as 3 3 Burkitt-2. And I will highlight for you the gather as much information as we can from 4 4 detectives and what we can gather on-line. address line. 5 5 But sometimes it will be word of 6 6 (Whereupon, Exhibit Burkitt-2 was mouth whether it's an apartment or not. 7 7 marked for identification.) Like a lot of these homes are not even 8 8 supposed to be apartments. And they will 9 BY MR. WEST: 9 have them labeled as apartments. We do the 10 Q. All right. Sir, just looking at the 10 best that we can to obviously figure that 11 search warrant for this job. You can see it says 11 out before we make entry and go only where 12 second floor rear, correct? 12 we are supposed to go. 13 A. Uh-huh. 13 BY MR. WEST: 14 Q. If you were doing the reconnaissance for 14 Q. All right. As part of your employment 15 this job and you knew that 15 with the Philadelphia Police Department, have you 16 suspect, lived, according to the warrant, on the 16 ever received any training as far as how to 17 second floor rear apartment, and you knew that 17 enforce a warrant at a multi-residence property? 18 was on probation, would you contact 18 A. I would say so, yes. 19 his probation officer to try to get some guidance 19 Q. Okay. Have you ever received any 20 as far as how to get to the second floor rear 20 training as part of your employment with the 21 apartment? 21 Philadelphia Police Department as to how to read a 22 MR. ZURBRIGGEN: Object to form. 22 warrant? 23 Officer, you can answer, if you can. 23 MR. ZURBRIGGEN: Object to form. 24 THE WITNESS: That is something that 2.4 But Officer, you can answer if you can. Page 19 Page 21 1 THE WITNESS: No. 1 the detectives would handle. We have no 2 2 BY MR. WEST: contact with parole or anything like that. 3 Q. Okay. 3 BY MR. WEST: 4 A. I know -- I know like what a warrant is 4 Q. Okay. So as part of the reconnaissance, 5 supposed to entail, but I haven't had any formal 5 you wouldn't contact anyone? 6 6 training on reading a warrant. Like I said, that MR. ZURBRIGGEN: Same objection. 7 7 is first supervisor. But Officer, you can answer. 8 8 THE WITNESS: Like I said, I am just Q. All right. Prior to entering the 9 9 property at 4664 Torresdale Avenue, did you know a patrol officer in SWAT. I don't know what 10 10 if the warrant specified that entry was supposed fully entails a supervisor. But I've never 11 11 to be in any particular apartment? seen that done. And I don't believe that we 12 A. I can't recall. 12 do that. The detectives would handle 13 13 Q. Okay. something like that, contacting parole. 14 A. I'd have to look at it. 14 BY MR. WEST: 15 15 Q. That's fine. So what -- just normally in Q. Okay. 16 A. I don't have it specified here, I don't 16 your role in the recon, what would you do? 17 think, on this paperwork, so I don't really 17 A. What would I do? 18 remember. 18 Q. Uh-huh. 19 19 Q. Let's see. Do you recall the name of the A. So if I was reconning a property or a 2.0 20 suspect that you guys were trying to get? job, I would pull as much information as I could 21 21 A. No, I don't recall. up of the property on the computer, pictures of 22 22 Q. Okay. I can represent to you his name is the property. And then I would make a sheet up, a 23 Do you recall what he was suspected 23 physical description of the property, how many 24 24 of? stories it was, where the windows are, how best to

	Page 22		Page 24
1	approach it. And then after I had done all of	1	THE WITNESS: No. There's typically
2	that I would go out and look at the property, put	2	more information here.
3	eyes on it.	3	BY MR. WEST:
4	Q. And what would be the name of the	4	Q. Okay.
5	document that you would create, if that makes	5	A. This is this will be on the back of
6	sense?	6	this and there's a picture of the property, a map,
7	A. It would be called a recon sheet.	7	how to get to the property. And so a couple more
8	Q. Okay. So I have a document here that's	8	bits.
9	been previously marked as Exhibit 3.	9	Q. Okay. All right. Would you normally
10	Unfortunately, I don't recall off the top of my	10	would you normally look at Google Maps to see if
11	head which deposition this was for. But any case,	11	you could find a picture of the property?
12	it's also Bates stamped as defense 72 and 73. We	12	A. Yes.
13	will mark this as Burkitt-3. I think this was	13	Q. Okay. And I will mark this as Burkitt-4.
14	from Saba's deposition.	14	
15		15	(Whereupon, Exhibit Burkitt-4 was
16	(Whereupon, Exhibit Burkitt-3 was	16	marked for identification.)
17	marked for identification.)	17	
18		18	BY MR. WEST:
19	BY MR. WEST:	19	Q. Is this the kind of Google Map that you
20	Q. Officer Burkitt, if you could just look	20	might normally use?
21	at that document real quick and let me know if you	21	A. No, not typically this. Typically it
22	recognize what it is.	22	would be a picture of the front of the property.
23	A. Uh-huh. Yes.	23	Q. Okay. Why not use a picture from the top
24	Q. What is that?	24	of the property?
	Page 23		Page 25
	1430 20		
1	A It's is recon sheet	1	
1 2	A. It's is recon sheet. O. Had you ever seen this particular.	1 2	MR. ZURBRIGGEN: Object to form.
	Q. Had you ever seen this particular		MR. ZURBRIGGEN: Object to form. Officer, if you can.
2		2	MR. ZURBRIGGEN: Object to form. Officer, if you can. THE WITNESS: Sometimes these
2	Q. Had you ever seen this particular document prior to the entry of the 4664 Torresdale	2 3	MR. ZURBRIGGEN: Object to form. Officer, if you can. THE WITNESS: Sometimes these numbers that are listed here, the address
2 3 4	Q. Had you ever seen this particular document prior to the entry of the 4664 Torresdale Avenue? A. Yes.	2 3 4	MR. ZURBRIGGEN: Object to form. Officer, if you can. THE WITNESS: Sometimes these numbers that are listed here, the address markers on top of these buildings, aren't
2 3 4 5	Q. Had you ever seen this particular document prior to the entry of the 4664 Torresdale Avenue?	2 3 4 5	MR. ZURBRIGGEN: Object to form. Officer, if you can. THE WITNESS: Sometimes these numbers that are listed here, the address
2 3 4 5 6	Q. Had you ever seen this particular document prior to the entry of the 4664 Torresdale Avenue?A. Yes.Q. Okay. Do you specifically recall seeing	2 3 4 5	MR. ZURBRIGGEN: Object to form. Officer, if you can. THE WITNESS: Sometimes these numbers that are listed here, the address markers on top of these buildings, aren't exactly correct. So we went by this.
2 3 4 5 6 7	 Q. Had you ever seen this particular document prior to the entry of the 4664 Torresdale Avenue? A. Yes. Q. Okay. Do you specifically recall seeing this or do you believe that you normally would? 	2 3 4 5 6 7	MR. ZURBRIGGEN: Object to form. Officer, if you can. THE WITNESS: Sometimes these numbers that are listed here, the address markers on top of these buildings, aren't exactly correct. So we went by this. Sometimes we could, you know, be off one or
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7 (Pages 22 to 25)

	Page 26		Page 28
1	this photo if there is a door in the back of	1	you don't personally know if a probation officer
2	that property.	2	normally would have information to provide you as
3	BY MR. WEST:	3	far as how to physically enter someone's home?
4	Q. Okay. So I will represent to you that we	4	A. No.
5	have had a deposition in this case of the	5	MR. ZURBRIGGEN: Same objection.
6	probation officer for . I have a	6	THE WITNESS: No. I didn't say
7	document. It's been previously marked as Exhibit	7	anything like that. I said I don't know
8	Shannon-1. Shannon was the name of the probation	8	what the scope of their work does every
9	officer. We will mark this as Burkitt-5.	9	probation officer go out to every person's
10		10	house? I don't know. But I could see them,
11	(Whereupon, Exhibit Burkitt-5 was	11	yes, being a source in how to get into the
12	marked for identification.)	12	property.
13		13	BY MR. WEST:
14	BY MR. WEST:	14	Q. Have you ever received any training as
15	Q. And sir, I am going to turn this document	15	part of the reconnaissance that you do for the
16	to page 21. I have a copy for you as well. Page	16	SWAT unit, if you have a suspect who is on
17	21. I have prehighlighted a portion of the entry	17	probation, whether or not you should contact the
18	there for April 26th, 2019. Actually, before you	18	probation officer to ask how to get into the
19	look at that too much, I have a question.	19	probation person's home?
20	In your experience, if someone is placed	20	MR. ZURBRIGGEN: Same objection.
21	on probation, will the probation officer normally	21	Officer, you can answer.
22	go out to the person's home to do an inspection?	22	THE WITNESS: That is something that
23	MR. ZURBRIGGEN: Object to form.	23	the detectives would do.
24	But Officer, if you know.	24	MR. WEST: Okay.
	- 07		
	Page 27		Page 29
1	THE WITNESS: I don't know what	1	THE WITNESS: To my knowledge. We
2	THE WITNESS: I don't know what probation officers do, no.	2	THE WITNESS: To my knowledge. We don't do that that is not what we do at
2	THE WITNESS: I don't know what probation officers do, no. BY MR. WEST:	2	THE WITNESS: To my knowledge. We don't do that that is not what we do at SWAT.
2 3 4	THE WITNESS: I don't know what probation officers do, no. BY MR. WEST: Q. So in your training to do reconnaissance	2 3 4	THE WITNESS: To my knowledge. We don't do that that is not what we do at SWAT. BY MR. WEST:
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2 3 4 5 6	THE WITNESS: I don't know what probation officers do, no. BY MR. WEST: Q. So in your training to do reconnaissance as part of the SWAT unit, you don't know if a probation officer would be a resource to explain	2 3 4 5 6	THE WITNESS: To my knowledge. We don't do that that is not what we do at SWAT. BY MR. WEST: Q. You've never received you personally never received any such training, correct?
2 3 4 5 6 7	THE WITNESS: I don't know what probation officers do, no. BY MR. WEST: Q. So in your training to do reconnaissance as part of the SWAT unit, you don't know if a probation officer would be a resource to explain how to get into someone's home if that person is	2 3 4 5 6 7	THE WITNESS: To my knowledge. We don't do that that is not what we do at SWAT. BY MR. WEST: Q. You've never received you personally never received any such training, correct? MR. ZURBRIGGEN: Same objection.
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	Page 30		Page 32
1	second floor apartment, rear entrance off Margaret	1	training, did you ever receive any training as to
2	Street and you looked at this map, would that give	2	whether or not you should obtain property records
3	you some sort of guidance as far as how to enter	3	from the City of Philadelphia?
4	this property?	4	MR. ZURBRIGGEN: Object to form.
5	MR. ZURBRIGGEN: Object to form.	5	But Officer, you can answer.
6	But Officer, you can answer, if you can.	6	THE WITNESS: No.
7	THE WITNESS: That would be a	7	BY MR. WEST:
8	supervisor's call to make. But if I was	8	Q. That is not part of the reconnaissance
9	looking at the property, I mean, and I	9	that you guys do?
10	had we had this information, we would	10	MR. ZURBRIGGEN: Same objection.
11	have to look back there and see. Yes, we	11	THE WITNESS: I never done that.
12	have to check it out. Or clarify with	12	MR. WEST: Okay. Let's mark this as
13	detectives. If I had that information, we	13	Burkitt-6.
14	would probably be on the phone with	14	
15	detectives verifying it.	15	(Whereupon, Exhibit Burkitt-6 was
16	BY MR. WEST:	16	marked for identification.)
17	Q. Okay. Right. But looking at Burkitt-4,	17	
18	you can see that you can see that it says	18	BY MR. WEST:
19	Margaret Street on this Google Map, correct?	19	Q. Sir, if you can take a moment to look at
20	MR. ZURBRIGGEN: Object to form.	20	this document that we marked as Burkitt-6 and let
21	But Officer, you can answer.	21	me know if you can recognize what this is.
22	THE WITNESS: Yeah, I see that.	22	A. I don't know. I've never seen this
23	BY MR. WEST:	23	before.
24	Q. All right. And you can see that Margaret	24	Q. You've never seen anything like this in
	Page 31	1	Page 33
	3 -		rage 33
1	Street leads to the rear the rear entrance of	1	your entire life? You have no idea what this is
1 2	Street leads to the rear the rear entrance of these properties, correct?	2	your entire life? You have no idea what this is and you have no idea how to access it; is that
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Page 34 Page 36 1 1 BY MR. WEST: sheet or not. It's possible that I did. 2 2 Q. And you can see that the owner is listed Q. Did you even know that the 4664 3 3 as Pajo Mirela. And I can represent to you that Torresdale Avenue property had a rear door prior 4 4 there's plenty of records in this that indicate 5 5 A. It's possible that I did, yes. that this SWAT unit was aware of the name of the 6 6 Q. But you have no specific recollection of owner prior to the operation, okay? 7 7 that at this time, correct? A. Okay. 8 A. I would have to see the full recon sheet 8 MR. ZURBRIGGEN: Same objection. 9 that we made. I can't remember at the time if I 9 BY MR. WEST: 10 looked at that photo of the back door. I can't 10 Q. And if you just look at this map on here, 11 11 you can see that according to this map from the 12 Q. But you have no specific recollection of 12 City of Philadelphia, the 4664 Torresdale Avenue 13 it right now, correct? 13 property has an entrance from Torresdale Avenue 14 MR. ZURBRIGGEN: Objection. Go 14 and then also off Margaret Street, correct? You 15 ahead. 15 can see that, correct? 16 THE WITNESS: Right. The job was 16 MR. ZURBRIGGEN: Same objection. 17 some time ago. I don't know if -- when I 17 THE WITNESS: I can't tell that from 18 was flipping through my recon paper if I 18 this. 19 looked at the back door of that property. 19 BY MR. WEST: 20 BY MR. WEST: 20 Q. Can you see Margaret Street? 21 Q. Was there a briefing prior to the entry? 21 MR. ZURBRIGGEN: Same objection. 22 A. There was briefing. 22 THE WITNESS: I see Margaret Street, 23 Q. Who led the briefing? 23 yes. But there's nothing that indicates 24 A. I do not recall. 2.4 that there's an entrance in the back of this Page 35 Page 37 1 1 property based off of this. Q. At the briefing, was anything said about 2 2 BY MR. WEST: the rear door? 3 Q. Okay. Well, if you had the information 3 A. I can't recall. 4 4 from the probation officer and you had this map in Q. Not that you can recall today, correct? 5 hand, would you at least investigate to see if the 5 A. Right. 6 6 alleyway off of Margaret Street was an entrance Q. Do you recall if there was anything said 7 7 before -- before completing your reconnaissance? about -- at the briefing as to why the SWAT unit 8 8 MR. ZURBRIGGEN: Object to form. was going to enter through the Torresdale Avenue 9 9 Officer, go ahead. entrance, rather than the Margaret Street 10 10 THE WITNESS: So when we do a recon, entrance? 11 11 we do look at the back of the property. But MR. ZURBRIGGEN: Object to form. 12 12 I remember this property looking like a But Officer, if you know. 13 THE WITNESS: So -- so before 13 normal row home with a normal back door that 14 14 could have been just the back door to the typically doing an apartment something 15 15 first floor apartment. And I don't know similar to this job, most of the time 16 16 anything about the owner, but people -- I there's a common entrance. And sometimes 17 mean, the owner -- anyone can own a 17 we -- we are notified that it is a second 18 building. Different people live in them. 18 floor rear like this one does here. 19 19 BY MR. WEST: And when you hit a door there's a 2.0 2.0 Q. Uh-huh. Did you -- did you personally common entrance and there's an apartment to 21 see the rear door of the 4664 property? 21 the left. And there's stairs that lead up. 22 22 A. Eventually, yes. And there's a back bedroom which would be 23 23 Q. Prior to entry. the rear apartment. Or sometimes that is, 24 24 A. I don't recall if it was on the recon you know, one door. Or there's a front

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	Page 38		Page 40
1	apartment on the second floor.	1	Avenue property is the tan building in this
2	These things are just always	2	picture, correct?
3	changing and always different. Nothing is	3	A. Yes.
4	consistent within the City.	4	Q. Okay. Sir, that tan you entered the
5	BY MR. WEST:	5	Torresdale Avenue entrance of this tan building,
6	Q. Okay. So why would that lead you to	6	correct, the front door that we can see in this
7	enter through the Torresdale Avenue entrance	7	picture?
8	rather than the Margaret Street entrance?	8	A. Uh-huh.
9	MR. ZURBRIGGEN: Object to form.	9	Q. Okay. And you knew that the warrant was
10	Officer?	10	only valid for the second floor property, correct?
11	THE WITNESS: Typically people go in	11	MR. ZURBRIGGEN: Object to form.
12	through the front of the house.	12	But officer?
13	BY MR. WEST:	13	THE WITNESS: Correct.
14	Q. Why?	14	BY MR. WEST:
15	MR. ZURBRIGGEN: Same objection.	15	Q. Okay. Sir, looking at this picture now,
16	THE WITNESS: I can't say why. That	16	can't you plainly see that that door led into a
17	is just how we pretty much I mean, that's	17	room where there was no second floor?
18	how it's done most of the time.	18	MR. ZURBRIGGEN: Object to form.
19	BY MR. WEST:	19	Officer, you can answer.
20	Q. Okay.	20	THE WITNESS: No. I can't tell that
21	A. I go in through my front door.	21	from this photo. I don't know what is
22	Q. So you can see from the recon sheet and	22	inside this property.
23	the warrant that the property was specified as	23	MR. WEST: Okay.
24	being on the second floor of the building,	24	THE WITNESS: Looking at this photo.
	Page 39		Page 41
1	Page 39	,	Page 41
1	correct?	1	BY MR. WEST:
2	correct? MR. ZURBRIGGEN: Object to form.	2	BY MR. WEST: Q. Can you see the tan building and the
2	correct? MR. ZURBRIGGEN: Object to form. Officer?	2	BY MR. WEST: Q. Can you see the tan building and the front door?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. ZURBRIGGEN: Object to form. Officer? THE WITNESS: I can see that. BY MR. WEST: Q. Okay. And you said earlier that you would rely upon Google Maps images of the front of the building, correct? MR. ZURBRIGGEN: Objection. THE WITNESS: Uh-huh. MR. WEST: All right. Let's mark this as Exhibit 7. (Whereupon, Exhibit Burkitt-7 was marked for identification.) BY MR. WEST: Q. Do you recognize what this is? A. Picture of the front of the property. Q. Of the 4664 Torresdale Avenue property, right? A. Uh-huh.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. WEST: Q. Can you see the tan building and the front door? A. I see it, with the two mailboxes out front. Q. Okay. A. The mailbox for both the floors out front. Q. Right. Now, the room behind that front door, do you see any second floor above that? MR. ZURBRIGGEN: Object to form. Officer? THE WITNESS: I do see the second floor, yes. BY MR. WEST: Q. Okay. Can I see the exhibit? A. Sure. Q. I will use an orange highlighter. All right. Officer Burkitt, can you see that I have highlighted a portion of the building in orange? A. Uh-huh. Q. Do you want to see it?

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Page 42 Page 44 1 1 BY MR. WEST: answered. And to the form. Officer, you 2 2 Q. Just looking at this picture and using can answer. 3 common sense, can you see that if you enter 3 THE WITNESS: I mean, it's the same 4 through that door you're going to enter the room 4 property. To me looking at it, it looks 5 in the orange square? 5 like it's -- I see what you are -- the point 6 MR. ZURBRIGGEN: Object to form. 6 you're trying to make. But it's one 7 Officer, you can answer, if you can. 7 property. There's two floors. 8 THE WITNESS: So looking at this 8 BY MR. WEST: 9 photo, I don't know what's going to be 9 Q. Okay. So the other officers had no 10 behind this door. I don't know if it's 10 trouble identifying this. But just to make 11 going to be a long hallway that leads to a 11 sure -- I will ask a new question. 12 set of stairs with a wall separating me from 12 MR. ZURBRIGGEN: Object to the 13 this apartment, that you're insinuating as 13 characterization of the officers' testimony. 14 I'm supposed to know. 14 But go ahead. 15 But no, I can't tell from this photo 15 BY MR. WEST: 16 what I am going to see when I hit this --16 Q. Your testimony is that you are a member 17 when we go into this door. 17 of the SWAT unit of the Philadelphia Police 18 BY MR. WEST: 18 Department, you received all of the training 19 Q. Right. So if you can answer the question 19 available to you from the City of Philadelphia and 20 that you're answered (sic). 20 you're unable to tell if the area within the 21 Using common sense and looking at the 21 orange square is one story? 22 photograph, can you see that the area of the 22 MR. ZURBRIGGEN: Object as asked and 23 property that you're going to enter, if you go 23 answered, to the form. Go ahead. Officer, 24 through that front door, is the area within the 24 answer again. Page 43 Page 45 1 1 orange square? THE WITNESS: It's one property, two 2 2 MR. ZURBRIGGEN: Object to form. stories. That's how I see it. It's not a 3 And asked and answered. 3 separate building. I would consider it two 4 BY MR. WEST: 4 stories. 5 5 Q. I'm not asking what is in there. I'm BY MR. WEST: 6 6 asking that's the area you're going to go through Q. Did the property have multiple apartments 7 7 the door, correct? in it? 8 8 MR. ZURBRIGGEN: Objection. MR. ZURBRIGGEN: Object to form. 9 9 Officer, you can answer again. Officer, if you understand you can answer. 10 10 THE WITNESS: This is the front of THE WITNESS: It was listed that it 11 11 the property. I know I am going to be had two -- a second apartment. 12 entering into the property if I go through 12 BY MR. WEST: 13 13 this door, yes. Q. Okay. So with the warrant that we have 14 BY MR. WEST: 14 identified in this deposition and marked as an 15 15 Q. Okay. Is any portion of the property exhibit, were you allowed to enter any portion of 16 within the orange square a two -- have two floors? 16 the 4664 Torresdale Avenue or were you only 17 MR. ZURBRIGGEN: Same objection. 17 allowed to enter a certain portion of the 18 Officer, you can answer. 18 property? 19 19 THE WITNESS: The property has two MR. ZURBRIGGEN: Object to form. 20 20 floors. Officer? 21 21 BY MR. WEST: THE WITNESS: We only had a ticket 22 22 Q. Okay. But the area within the orange for the second floor rear. 23 23 BY MR. WEST: square is one floor, correct? 24 24 MR. ZURBRIGGEN: Object as asked and Q. Okay. So what, if any, precautions did

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Page 46 Page 48 1 1 you take to make sure that you only entered the the suspect is on parole, if he has an ankle 2 2 second floor rear apartment? monitor, if he has a parole officer. 3 3 MR. ZURBRIGGEN: Object to form. BY MR. WEST: 4 Officer, you can answer. 4 Q. All right, sir. So if you had this 5 5 picture that we marked Burkitt-7 in hand --THE WITNESS: From my standpoint, we 6 6 reconned the job. We looked at it. A. Uh-huh. 7 7 Reconned the job, looked at it. I mean, it Q. - and this was the Torresdale entrance, 8 8 looks -- you never know what you're going to and you had the records from the probation officer 9 get into. Both mailboxes are out front. 9 saying that the entrance to the second floor rear 10 10 That leads me to believe that this is a apartment was in the Margaret Street entrance, 11 11 stairwell that leads out to a hallway where would you have sent the team in through the 12 12 there would be -- someone would come and Torresdale Avenue or the Margaret Street entrance? 13 13 collect their mail from the front of the MR. ZURBRIGGEN: Object to form. 14 property. 14 Officer, you can answer, if you can. 15 BY MR. WEST: 15 THE WITNESS: I wouldn't send the 16 Q. Right. So you have --16 team anywhere, because I am not a 17 17 A. I mean, we do the best we can. supervisor. 18 Q. Right. So you have an actual inspection 18 BY MR. WEST: 19 of the property by the probation officer that says 19 Q. Okay. Are you aware of any basis, 20 you have to enter through the Margaret Street 20 whatsoever, for the SWAT unit of which you are a 21 21 entrance. You have this picture from the part, to have concluded that the Torresdale Avenue 22 Torresdale Avenue --22 entrance was the entrance into the second floor 23 23 A. I didn't have that. rear apartment as opposed to the Margaret Street 2.4 MR. ZURBRIGGEN: Officer, let him --24 entrance? Page 47 Page 49 1 THE WITNESS: I'm sorry. MR. ZURBRIGGEN: Object to form. 2 2 MR. ZURBRIGGEN: -- ask his Officer, you can answer, if you can. 3 3 THE WITNESS: So, on the recon sheet question. 4 4 THE WITNESS: I'm sorry. it says apartment second floor. To me, I 5 MR. ZURBRIGGEN: I'm sorry. I know 5 looked at this job when we -- I didn't go 6 6 and recon the job, but I looked at the it's frustrating, but let him ask. 7 7 THE WITNESS: No. No. I'm sorry paperwork. 8 8 about that. Like I said, we never know what we 9 9 MR. WEST: It's okay. are going to see behind the door. Typically 10 10 BY MR. WEST: in most common cases, there's a common 11 11 Q. So you would agree that whoever did the entryway. So to me looking at this, the two 12 12 reconnaissance of this job had access to Google mailboxes out front just -- it's a two 13 13 Maps? story. I would see it as, I mean, we were 14 14 A. I would agree with that. going to go through the front door here. 15 15 Q. And you would agree that whoever did This was going to be a common entryway and 16 reconnaissance of this job, including detectives, 16 we were going to proceed to either stairs or 17 had the ability to call the probation officer and 17 another door that was going to lead us to 18 ask if the apartment had been inspected, correct? 18 the property or to the second floor rear. 19 19 MR. ZURBRIGGEN: Object to form. BY MR. WEST: 20 20 Officer, you can answer. Q. So you're saying even if you had known 21 21 THE WITNESS: I don't know what that the probation officer specifically 22 22 detectives do. I mean, that is something memorialized that the entrance to the property was 23 23 through the Margaret Street entrance, you still that we typically -- that's information that 24 24 think it would have been reasonable to enter we typically get from them in regards to if

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Page 50 Page 52 1 1 through Torresdale Avenue? someone lived there and it wasn't the suspect, 2 2 MR. ZURBRIGGEN: Object to form. correct? 3 3 THE WITNESS: If we had this A. Yes. 4 4 information that you have now from the Q. Were you legally allowed pursuant to that 5 5 probation officer, I am sure the supervisor warrant to enter the first floor apartment? 6 6 MR. ZURBRIGGEN: Object to form. would have made the decision on how to 7 7 approach the property or gather more Officer, you can answer if you can. 8 8 THE WITNESS: Can you repeat the information from detectives to better 9 9 specify the entrance to this location, question? 10 10 BY MR. WEST: specifically the second floor rear. 11 11 BY MR. WEST: Q. Sure. You entered apartment number one 12 12 Q. So you're sure that if the supervisor had on the first floor, correct? 13 known about the probation officer inspection 13 A. Yes. 14 records, they would have considered if Margaret 14 Q. That was the apartment belonging to Ms. 15 15 Street was the proper entrance? Alvarado, correct? 16 16 MR. ZURBRIGGEN: Object to form. MR. ZURBRIGGEN: Object to form. 17 17 Officer, you can answer. Officer, if you know. 18 18 THE WITNESS: If -- I mean, yes, I THE WITNESS: I mean, at the time I 19 19 believe so if we had all of the information. didn't know whose it was. And there was no 20 20 I don't know what information was privy to marking on the door that specified apartment 21 the supervisors. But I know it's typically 21 one or anything like that. To me it looked 22 22 just like a normal door. But yeah, we did just a warrant that comes over. And then we 23 23 go and do our own thing and we talk to go into that -- into that door. 24 24 BY MR. WEST: detectives and try to garner as much Page 51 Page 53 1 Q. Okay. And you will agree that there were information as we can from them and 2 2 no exigent circumstances for that entry, correct? determine what is the best route to hit the 3 property, especially in a case like this 3 MR.ZURBRIGGEN: Object to form. But 4 4 where there's a second floor. But we are Officer, if you know. 5 5 pretty meticulous, but I do believe if he THE WITNESS: Other than the fact 6 6 had that information, yes, we would have that we had a warrant for a homicide, no. 7 7 looked into going into the rear. BY MR. WEST: 8 8 BY MR. WEST: Q. Right. And the warrant was for the 9 9 Q. Okay. Do you have any personal knowledge second floor rear apartment, correct? 10 10 as to why the supervisor on the 4664 Torresdale MR. ZURBRIGGEN: Same objection. 11 11 Avenue job wouldn't have had that information? THE WITNESS: Yes. 12 MR. ZURBRIGGEN: Object to form. 12 BY MR. WEST: 13 13 But Officer, you can answer, if you can. Q. Okay. Legally, did you have any grounds 14 THE WITNESS: It would have to have 14 to enter apartment number one of 4664 Torresdale 15 15 come from detectives. Avenue, to your knowledge? 16 BY MR. WEST: 16 MR. ZURBRIGGEN: Same objection. 17 Q. Okay. 17 But Officer, you can answer if you know. 18 A. All of the information that we get is 18 THE WITNESS: I mean, no. 19 19 MR. WEST: Okay. I have no further from detectives. 20 2.0 Q. So assuming that the -- I just can questions. Thank you very much. 21 21 represent to you that the Torresdale entrance led MR. ZURBRIGGEN: And I have no 22 22 to apartment number one, which was a first floor questions. So thank you, Officer. I will 23 23 apartment. And in fact, you're aware of that, walk you out. 24 24 because you entered the property and you saw that THE VIDEO OPERATOR: We are going

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	Page 54		Page 56
1	off the record at 10:57 a.m.	1	
2	MR. ZURBRIGGEN: Can we stay on the	2	
3	record for one moment? I'm sorry.	3	
4	THE VIDEO OPERATOR: Going back on	4	
5	the record at 10:57 a.m.	5	
6	MR. ZURBRIGGEN: I do have to	6	
7	designate. I think the name was	7	
8	mentioned during the deposition. So I am	8	
9	just designating for the record that portion	9	
10	of the deposition is confidential under the	10	
11	protective order.	11	
12	MR. WEST: Yeah. No objection.	12	
13	THE VIDEO OPERATOR: We are going	13	
14	off the record at 10:57 a.m.	14	
15	on the record at 10.57 a.m.	15	
16	(Whereupon, the videotaped	16	
17	deposition concluded at 10:57 a.m.)	17	
18	deposition concluded at 10.57 a.iii.)	18	
19		19	
20		20	
21		21	
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22		23	
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	Page 55		
1	CERTIFICATION		
_			
2			
3 4	The order and God based to		
5	I hereby certify that the		
6	proceedings and evidence noted are contained fully and accurately in the notes taken by		
7	me on the deposition of the above matter,		
8	and that this is a correct transcript of the		
9	same.		
10	BUCS		
11			
12	DENISE WELLER		
13	Shorthand Reporter		
14	-		
15			
16			
17			
18	(The foregoing certification of this		
19	transcript does not apply to any		
20	reproduction of the same by any means,		
21 22	unless under the direct control and/or		
23	supervision of the certifying reporter.)		
24			
_		<u> </u>	

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EXHIBIT "R"

Transcript of the Testimony of: Jose Hamoy

Date: August 17, 2023

Case: FELISHATAY ALVARADO v. City of Philadelphia, et al.

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August 17, 2023	13	Trainoy-2 Googie Waps Image 04
	14	
Videotape deposition of OFFICER		
JOSE HAMOY, taken pursuant to Notice at VICTIMS' RECOVERY LAW CENTER, 121 South	15	
Broad Street, 18th Floor, Philadelphia, PA	16	
19107, beginning at 10:10 a.m., before	17	
Candace Weindel, a Professional Reporter and	18	
a Notary Public in and for the Commonwealth	19	
of Pennsylvania.	20	
	21	
DIAMOND COURT REPORTING	22	
406 Redbud Lane	23	
Mantua, New Jersey 08051	24	
(856) 589-1107		
Page 2		Page 4
1 APPEARANCES:	1	(It is agreed by and between
2 3 VICTIMS' RECOVERY LAW CENTER	2	counsel for the respective parties that
3 VICTIMS' RECOVERY LAW CENTER BY: KEITH WEST, ESQUIRE	3	reading, signing, sealing, certification
4 121 South Broad Street	4	and filing are waived; and that all
18th Floor 5 Philadelphia, PA 19107	5	objections, except as to the form of the
(215) 546-1433	_	· ·
6 Keith@victimrecoverylaw.com]]	question, are reserved until the time of
Representing the Plaintiff	7	trial.)
8	8	
9 CITY OF PHILADELPHIA LAW DEPARTMENT	9	THE VIDEOTAPE OPERATOR: This is
BY: ADAM R. ZURBRIGGEN, ESQUIRE 10 1515 Arch Street	10	the audio/video deposition for use at
14th Floor	11	trial in the matter of Alvarado V. City
Philadelphia, PA 19102 (352) 214-0377	12	of Philadelphia, et al., Philadelphia
12 Adam.Zurbriggen@phila.gov	13	Court of Common Pleas, Docket Number
Representing the Defendants	14	220601633. And I am the video operator.
13 14	15	•
		My name is Nimai Shukla, and I am
15	16	employed by the Victims' Recovery Law
ALSO PRESENT:	17	Center. My address is 121 South Broad
Nimai Shukla, Videotape Operator	18	Street, 18th Floor, Philadelphia,
17	19	Pennsylvania 19107.
18	20	Today's date is August 17, 2023 at
19	21	10:10 a.m. This deposition is being
20	22	performed in person. The caption of
21 22	23	this case is Alvarado V. City of
	l .	uno cuoc io invarado v. City Oi
23 24	24	Philadelphia, et al., Philadelphia Court

1 (Pages 1 to 4)

	Page 5	Page	7
1	of Common Pleas, Docket Number	 Q. Okay. And you're represented by 	
2	220601633.	 counsel today. You're prepared to testify; 	
3	The witness being deposed today is	3 correct?	
4	Officer Jose Hamoy, Badge Number 2987.	4 A. Yup.	
5	THE WITNESS: 84.	5 Q. Okay. These are just like standar	d
6	THE VIDEOTAPE OPERATOR: 2984.	6 questions. Don't read anything into it.	
7	Sorry.	7 Are you under the influence any	
8	This deposition is being taken on	8 sort of medication, substance, illness, anythi	ng
9	behalf of the plaintiff, Felishatay	9 that would impair your ability to testify	6
10	Alvarado. The officer taking this	truthfully today?	
11	deposition is Candace Weindel. She	11 A. No.	
12	shall swear the witness in at this time:	Q. Just a few ground rules for how w	/e
13		usually do depositions. You are already doi	
14	OFFICER JOSE HAMOY, after having	fine. But it's in many ways like a normal	-6
15	been first duly sworn, was examined and	conversation except the court reporter needs	to
16	testified as follows:	write down everything we say.	
17		17 A. Okay.	
18	EXAMINATION	Q. So we have to be careful that we	
19		don't speak at the same time. Okay?	
20	BY MR. WEST:	20 A. Yeah.	
21	Q. All right. Good morning, Officer.	Q. And also, you kind of almost	
22	It's officer currently; right?	A. Sorry about that.	
23	A. Yeah. Good morning. Yeah.	Q. Do you need more with that or are	2
24	Q. Good morning, Officer Hamoy. My	you good?	
		, ,	
	Page б	Page	8
	5		
1	name is Keith West. I'm one of the attorneys	1 A. No, I'm good. Yeah.	
1 2		 A. No, I'm good. Yeah. Q. All right. Almost on cue, you 	
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2 (Pages 5 to 8)

	Page 9	Page 11
1	that, we'll try to be as accommodating as we can.	training you received as a patrol officer?
2	Okay?	² A. That's correct.
3	A. Okay.	Q. Okay. What what additional
4	Q. All right. So Officer Hamoy,	4 training did you receive as part of joining the
5	you're currently a member of the Philadelphia SWAT	5 SWAT unit?
6	Unit; correct?	6 A. You go to basic SWAT school for, to
7	A. Yes.	7 the best of my recollection, close to nine weeks.
8	Q. Philadelphia Police Department SWAT	8 Q. Okay. Is that it?
9	Unit?	9 A. Yeah. And then you have additional
10	A. Yes, correct.	in-service training from month to month.
11	Q. How long have you been a member of	Q. Okay. And how how like is
12	the SWAT unit?	that one day per month, an hour per month? What
13	A. Just a little over a little over	13 is it?
14	two years.	A. It depends, but we do train a whole
15	Q. Okay. Do you know what month you	¹⁵ lot.
16	started?	Q. Okay. What sort of topics were
17	A. December 2020.	covered at the SWAT school?
18	Q. Okay. So two and a half years.	18 MR. ZURBRIGGEN: Object to form.
19	Our our incident, I can	But, Officer, you can answer.
20	represent to you, occurred on June 4, 2021. So	THE WITNESS: We get trained from
21	you were a member of the SWAT unit at that time;	21 firearms proficiency,
22	correct?	building/room-clearing, a lot of special
23	A. Yes.	equipment that we use during barricades
24	Q. Prior to joining the SWAT unit,	and warrant services and stuff like
	Dago 10	Page 12
	Page 10	rage 12
1		1 that.
1 2	were you in some other capacity with the	
		1 that.
2	were you in some other capacity with the Philadelphia Police Department?	1 that. 2 BY MR. WEST:
2	were you in some other capacity with the Philadelphia Police Department? A. Yes. I was a patrol officer at the	 that. BY MR. WEST: Q. Okay. So all of the training that
2 3 4	were you in some other capacity with the Philadelphia Police Department? A. Yes. I was a patrol officer at the 25th District for close to 10 years.	 that. BY MR. WEST: Q. Okay. So all of the training that you just specified would be useful as far as a
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3 (Pages 9 to 12)

1	Page 13		Page 15
	MR. WEST: High-risk.	1	Q. Okay. But you never received any
2	THE WITNESS: High-risk warrant.	2	specific training related to dog encounters;
3	BY MR. WEST:	3	correct?
4	Q. Okay. Could you explain what that	4	MR. ZURBRIGGEN: Object to form.
5	means to say high-risk warrant in this situation?	5	Officer, you can answer.
6	A. Mostly violent offenders, that	6	THE WITNESS: I don't think you can
7	there's a good chance that a normal patrol officer	7	train to for a real dog, you know, to
8	would not be able to handle.	8	attack you, yeah, so
9	Q. Okay. In your experience with the	9	BY MR. WEST:
10	SWAT unit, how much of of your normal time is	10	Q. Okay. But if you can just ask
11	spent enforcing warrants at the homes of people	11	answer the question you were asked.
12	who are considered to be violent offenders or	12	You never received any training
13	likely to be violent offenders?	13	specific to dog encounters; correct?
14	MR. ZURBRIGGEN: Officer, you can	14	A. No.
15	answer if you can, if you can estimate.	15	MR. ZURBRIGGEN: Same objection.
16	THE WITNESS: Majority of the time,	16	THE WITNESS: No.
17	yeah.	17	BY MR. WEST:
18	BY MR. WEST:	18	Q. That is correct; right?
19	Q. Okay. That's the main thing that	19	A. Yeah, that's correct.
20	the SWAT unit does in your	20	Q. Okay. And do you know whether or
21	A. Yeah. It's mostly high-risk	21	not the Philadelphia Police Department has ever
22	warrants and barricades.	22	issued any directives pertaining to how
23	Q. Okay. So as part of the training	23	Philadelphia Police Department officers should
24	that you received on how to enforce warrants at	24	handle encounters with dogs?
	Page 14		Page 16
1	homes, did you receive any training with regards	1	MR. ZURBRIGGEN: Same objection.
2	to what you're supposed to do if there is a dog on	2	Officer, you can answer. THE WITNESS: Yes, I believe so.
3 4	the property?	3	THE WITNESS: Yes I believe so
		1	
	A. In terms of training?	4	BY MR. WEST:
5	Q. Right. So I guess I can rephrase	5	BY MR. WEST: Q. Okay. And and what is your
5 6	Q. Right. So I guess I can rephrase the question. Let me give you some background.	5 6	BY MR. WEST: Q. Okay. And and what is your understanding about that?
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4 (Pages 13 to 16)

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Page 17 Page 19 1 use that because it -- it also contaminate the 1 MR. ZURBRIGGEN: Object to form. 2 2 Officer, you can answer. rest of the officers serving the warrant if you do 3 3 THE WITNESS: No. I've been an -deploy OC spray. 4 4 I've been an officer for quite some Q. All right, sir. So I asked you 5 5 time. what tools or weapons you might use if you 6 6 BY MR. WEST: anticipate an encounter with a dog. I believe you 7 7 Okay. When did -- when did the testified that you could use pepper spray, but 8 8 directive that you're referring to go into effect? that you wouldn't use that if you were doing a 9 9 MR. ZURBRIGGEN: Object to form. warrant enforcement with the SWAT unit. 1.0 10 Officer, you can answer if you can. Are there any specific tools or 11 11 THE WITNESS: I -- I cannot recall weapons that you would utilize if you anticipated 12 12 when. a dog encounter? 13 BY MR. WEST: 13 MR. ZURBRIGGEN: Object to form. 14 Okay. Do you recall if the 14 Officer, you can answer. Q. 15 15 directive gave any guidance as to what sort of THE WITNESS: There's -- there's 16 tools or weapons an officer should utilize when 16 other tools that you can use, but at 17 17 encountering a dog? that moment, we are -- again, we are 18 18 A. I would have to refer that. I just serving a high-risk environment, so what 19 19 couldn't remember it. we have in our hand is, at that time, is 20 20 a rifle. O. You have no recollection of that at 21 this time: correct? 21 BY MR. WEST: 22 22 A. Yeah, not at this time. Okay. So is it -- so as of June 23 23 Okay. And is it fair to infer that 2021, if you were enforcing a warrant at a private Q. 24 24 you had no recollection of that on June 4, 2021? residence and you knew that you were likely to Page 18 Page 20 1 MR. ZURBRIGGEN: Object to form. encounter a dog as part of that enforcement, is 2 2 the only tool or weapon that you would have at Officer, you can answer. 3 THE WITNESS: No. Word for word, 3 hand a rifle? 4 4 no, but for experience purposes, I MR. ZURBRIGGEN: Object to form. 5 5 basically know what to do if the dog did Officer, you can answer. 6 6 try to attack me. THE WITNESS: When we're serving a 7 7 BY MR. WEST: warrant, when we're making entry, what 8 8 Okay. But do you have any training we have in our -- what we have in both 9 9 as to what specific tools or weapons you should of our hands is a rifle, sir. 10 10 prepare to use if you expect to encounter a dog? BY MR. WEST: 11 11 MR. ZURBRIGGEN: Object to form. Q. Okay. And there would be no other 12 12 tool or weapon that you would have at hand to use Officer, you can answer. 13 13 THE WITNESS: Yes, we do. that might help with the dog encounter; correct? 14 14 We do --BY MR. WEST: A. 15 15 Q. What are those? MR. ZURBRIGGEN: Same objection. 16 16 A. We have -- we have options from Officer... 17 pepper spray --17 THE WITNESS: We do have tools in 18 Q. Anything else? 18 our belt, like OC spray and -- and 19 19 Well, after that, because we were pistol and other stuff. But again, at 2.0 2.0 on a -- it's different from patrol. So we're in a that time, as we're making entry, what 21 high -- high-risk environment, so majority of the 21 we have in both of our hands is -- is a 22 22 time we do not have time to -- to deploy pepper rifle, and at that very moment, we 23 spray in high -- high-risk environment like that. 23 haven't cleared the house yet and assume 24 24 And -- and major -- as a SWAT operator, we do not that it's safe.

	Page 21		Page 23
1	BY MR. WEST:	1	A. Yeah. There is more in-depth to
2	Q. As part of the SWAT unit training	2	that, but, you know, that's basically
3	that you received, did you receive any training	3	Q. Okay. What's more in-depth than
4	specific as to how warrant should be enforced at	4	that?
5	multi-residence homes?	5	MR. ZURBRIGGEN: Object to form.
6	MR. ZURBRIGGEN: Object to form.	6	But, Officer
7	Officer, you can answer.	7	THE WITNESS: You know, like the
8	MR. WEST: Actually, strike the	8	tools, what kind of door what we're
9	question. I'm going to rephrase that	9	going to need for the door, like the
10	question.	10	positioning of the house because we
11	BY MR. WEST:	11	normally contain the house. We put
12	Q. As part of the SWAT unit training	12	rear, front, and if there is a side
13	that you received from the Philadelphia Police	13	window, we put personnel there, too,
14	Department, did you receive any training specific	14	before we actively make entry into the
15	as to how you should enforce warrants at	15	house, how many teams that we need and
16	multi-residence buildings?	16	stuff like that.
17	MR. ZURBRIGGEN: Same objection.	17	BY MR. WEST:
18	But, Officer, you can answer if you	18	Q. All right, Officer. I'm not sure
19	can.	19	if you caught the question. I asked anything
20	THE WITNESS: Yes.	20	specific to multi-residence buildings.
21	BY MR. WEST:	21	Is there anything unique about what
22	Q. Okay. And what was that training?	22	you told me that would pertain only to
23	A. You mean like step by step, like	23	multi-residence buildings as opposed to any other
24	when we receive the warrant, sir?	24	warrant?
	Walter the receive one warrant, part		
	Page 22		Dama 24
	rage zz	1	Page 24
1		1	
1 2	Q. Yeah. If you could just answer	1 2	MR. ZURBRIGGEN: Object to form.
	Q. Yeah. If you could just answer that as broadly as you can, anything you remember		MR. ZURBRIGGEN: Object to form. But, Officer, if you can answer,
2	Q. Yeah. If you could just answer that as broadly as you can, anything you remember that was specific to multi-residence buildings.	2	MR. ZURBRIGGEN: Object to form. But, Officer, if you can answer, you can.
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Page 25 Page 27 1 1 MR. WEST: So --If it specifically says that, then 2 THE WITNESS: I'm sorry if I kind 2 that's the only -- that's the only apartment, or 3 of misunderstood at first. 3 whatever the case may be, we would -- we would 4 BY MR. WEST: 4 execute the warrant for. 5 Is the important thing in reconning 5 Now, when -- when you and the --Q. 6 the property ahead of time when you are dealing 6 the other people in the SWAT unit are enforcing a 7 with a multi-residence property to make sure that 7 warrant at a private residence, the detective 8 if you enter a door, it's a door that only leads 8 wouldn't normally be on the scene, would he? 9 to a residence which is subject to the warrant as 9 MR. ZURBRIGGEN: Object to form. 10 opposed to any other residence that might be in 10 But, Officer, you can answer if you 11 the same multi-residence building? 11 can. 12 MR. ZURBRIGGEN: Object to form. 12 THE WITNESS: Yeah. They meet us 13 Officer, you can answer. 13 in the staging area and they will follow 14 THE WITNESS: Yeah. We make sure 14 us. And then once we -- we clear the 15 it's the right property, yeah. 15 property, and then they go inside the 16 BY MR. WEST: 16 house and then we leave and go to the 17 Okay. And not just the right 17 next warrant, yeah. 18 building, but you also have to make sure it's the 18 BY MR. WEST: 19 right residence. 19 Okay. So do you normally have a 20 Do you understand the question? 20 briefing before you enforce a warrant? 21 MR. ZURBRIGGEN: Object to form. 21 A. Yes. 22 But, Officer... 22 Q. In your experience, would the 23 THE WITNESS: Yeah. To the best --23 detective associated with the case normally attend 24 the best we can, yeah. 24 that briefing? Page 26 Page 28 1 BY MR. WEST: 1 A. No, it's just us. 2 2 For example, if you have a warrant Q. Okay. And the briefing is when you 3 for a specific apartment number, are you allowed 3 and the other members of the SWAT unit are given 4 4 to enter any apartment in the building as part of specific instructions as to how the warrant is to 5 5 your warrant enforcement or do you have to be more be enforced; correct? 6 6 specific than that? Yeah. And our -- what our specific 7 MR. ZURBRIGGEN: Object to form. jobs would be on that warrant. 8 8 Officer... Okay. And is it at that briefing 9 THE WITNESS: It depends what the when you are given specific instructions as to 10 10 warrant service says that the detective what door you should enter through if you are 11 11 gave to us and then it's basically at enforcing a warrant at a private residence? 12 12 MR. ZURBRIGGEN: Object to form. the supervisor's decision. 13 13 BY MR. WEST: But, Officer, you can answer. 14 14 THE WITNESS: Yes, that's correct. Okay. Could you explain what you 15 mean as far as the warrant service given by the 15 BY MR. WEST: 16 detective? 16 Okay. And so it follows naturally 17 17 A. The warrant -- the -- the warrant then that the detective would not be part of that 18 -- the copy of the affidavit that the detective 18 briefing process; correct? 19 19 would give would normally indicate like second MR. ZURBRIGGEN: Same objection. 20 floor only, third floor only if it's -- if it's 2.0 But, Officer, you can answer. 21 21 like a building. THE WITNESS: Yes, correct. 22 Q. Okay. BY MR. WEST: 23 23 Okay. So who would be the person Yeah. 24 Q. So -who would be giving the briefing that would

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1	include specific instructions as to what door or	1	anything that anyone said at that briefing at this
2	doors you and the other members of the SWAT unit	2	time?
3	should be entering through?	3	A. No. It's been a while.
4	A. That would be the supervisor in	4	Q. Okay.
5	charge.	5	A. Not specifically, yeah.
6	Q. Okay. Is that usually a lieutenant	6	Q. So getting back to the issue of the
7	or a sergeant?	7	importance of reconnaissance, if you and the other
8	A. It depends, but it's either a	8	members of the SWAT unit are given a warrant to
9	sergeant or lieutenant.	9	enter a specific apartment number in an apartment
10	Q. Okay. And with regards to the	10	building, have you ever received any guidance as
11	the warrant enforcement action that ended up	11	to how to make sure that you only enter the
12	entering Ms. Alvarado's home in June 2021, who was	12	specific apartment and not any other part of the
13	the supervisor that gave the briefing, if you	13	apartment house or is that not important?
14	recall?	14	MR. ZURBRIGGEN: Object to form.
15	MR. ZURBRIGGEN: Object to form.	15	Officer, you can answer if you can.
16	But, Officer, you can answer if you	16	THE WITNESS: Yes, it is important.
17	can recall.	17	So we try to make sure that it is the
18	THE WITNESS: To the best of my	18	right property, yes.
19	recollection, it was Lieutenant Monk.	19	BY MR. WEST:
20	BY MR. WEST:	20	Q. Okay. And how would you do that?
21	Q. Okay. And do you know if Sergeant	21	MR. ZURBRIGGEN: Same objection.
22	Melody also gave briefing at that time or was it	22	Officer, you can
23	only Lieutenant Monk?	23	THE WITNESS: Normally, like when
24	A. No. We're going to be all in the	24	we do reconnaissance on the house, you
	Page 30		Page 32
1	briefing including Sergeant Melody.	1	can see it from the front door, the
2	Q. Okay. Do you recall anything that	2	number of the property, the house is
3	Lieutenant Monk specifically said at that	3	marked or not.
4	briefing?	4	BY MR. WEST:
5	A. It was just the normal the	5	Q. In your in your experience in
6	normal brief, gave us our our responsibilities	6	the City of Philadelphia, do many people live in
7	during the warrant service and		J T T
7	during the warrant service and	7	multi-residence buildings?
8	Q. Do you specifically recall anything	7 8	
	_		multi-residence buildings?
8	Q. Do you specifically recall anything	8	multi-residence buildings? MR. ZURBRIGGEN: Object to form.
8 9	Q. Do you specifically recall anything he said at that briefing?	8 9	multi-residence buildings? MR. ZURBRIGGEN: Object to form. But, Officer, you can answer if you
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8 (Pages 29 to 32)

1	Page 33	Page 35
	specific guidance as part of your training with	1 MR. ZURBRIGGEN: Same
2	the Philadelphia Police Department as to what	2 BY MR. WEST:
3	parts of a building in a multi-residence property	3 Q in that situation?
4	that you could and could not enter if you had a	4 MR. ZURBRIGGEN: Same objection.
5	warrant that was specific to one apartment?	5 THE WITNESS: That would be the
6	MR. ZURBRIGGEN: Object to form as	6 supervisor, sir.
7	asked and answered.	7 BY MR. WEST:
8	Go ahead, Officer, you can answer.	8 Q. Okay. Have you ever done
9	THE WITNESS: Yes.	9 reconnaissance?
10	BY MR. WEST:	10 A. Yes, I do.
11	Q. Okay. And what was that specific	11 Q. Okay. So did you ever receive any
12	training?	12 training on on what sort of reconnaissance
13	A. You know, you say the question	should be done in that situation?
14	again, sir. I'm sorry.	14 MR. ZURBRIGGEN: Same objection.
15	MR. WEST: Is it possible that you	15 Officer
16	can read it back?	16 THE WITNESS: Yes.
17	THE COURT REPORTER: Yeah.	17 BY MR. WEST:
18		DI MR. WEST.
19	(Whereupon, the court reporter read	Q. Okay. The what was that training
20	back the pertinent testimony.)	you received.
21		71. Once we receive the warrant, we
22	MR. ZURBRIGGEN: Same objection.	verify the address and then we go to that address
23	Officer	and we look at what kind of doors so we know what
24	THE WITNESS: Yeah. The specific	tools we need, how many windows so we know how
		many officers, SWAT officers, we need to call and
	Page 34	Page 36
1		
_	is that you are not going to serve the	use to execute the warrant and how many teams and
2	ryamant to to the ryman a anautment	2 stuff like that and if any was see anything you
2	warrant to to the wrong apartment.	stuff like that and if any we see anything, you
3	BY MR. WEST:	know, specific that that that we might think
3 4	BY MR. WEST: Q. Okay. And where did you receive	know, specific that that that we might think that might that might be helpful to execute the
3	BY MR. WEST: Q. Okay. And where did you receive that training?	know, specific that that that we might think that might that might be helpful to execute the warrant safely.
3 4 5 6	BY MR. WEST: Q. Okay. And where did you receive that training? MR. ZURBRIGGEN: Object to form.	know, specific that that that we might think that might that might be helpful to execute the warrant safely. Q. When you would perform
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9 (Pages 33 to 36)

	Page 37		Page 39
1	enforced on the incident of June 4, 2021?	1	BY MR. WEST:
2	A. I don't think so because we did a	2	Q. Okay. Again, though, I thought you
3	lot of warrants in my last two and a half years.	3	said that you've actually done reconnaissance
4	I don't believe I did the reconnaissance on that	4	yourself?
5	specific job, but you can refer it to the	5	A. Yes, I did. But in terms of
6	paperwork because I honestly can't recall if I did	6	speaking to like the owner of the house, majority
7	it or not.	7	is done by the supervisor.
8	Q. Okay. Do you know who did the	8	Q. Okay.
9	reconnaissance for this particular incident?	9	A. Or the detectives, majority of the
10	A. No.	10	time, it's the detectives.
11	MR. ZURBRIGGEN: Object to form.	11	Q. How about contacting L&I to get
12	But, Officer	12	property records; have you ever done anything like
13	THE WITNESS: No.	13	that as part of a reconnaissance?
14	BY MR. WEST:	14	A. No.
15	Q. Okay. As in your experience on	15	Q. Do you know if that's something
16	doing reconnaissance for a warrant enforcement on	16	that is ever done as part of the reconnaissance
17	a multi-residence property, have you ever	17	for the SWAT unit?
18	contacted the property manager?	18	MR. ZURBRIGGEN: Object to form.
19	A. Yes. Sometimes a supervisor or	19	Officer
20	detective will do that.	20	THE WITNESS: You would have to ask
21	Q. Why?	21	the supervisor for that, sir.
22	MR. ZURBRIGGEN: Object to form.	22	BY MR. WEST:
23	Officer, if you know	23	Q. Okay. So have you not actually
24	THE WITNESS: If there's like if	24	been trained on how to do reconnaissance?
	Page 38	1	Page 40
1	Page 38	1	Page 40 MR ZURBRIGGEN: Object to form
1 2	there's like like issues like, you	1 2	Page 40 MR. ZURBRIGGEN: Object to form. Officer
	there's like like issues like, you know, there's a gate or if it's like		MR. ZURBRIGGEN: Object to form. Officer
2	there's like like issues like, you know, there's a gate or if it's like there's if there's a key, sometimes	2	MR. ZURBRIGGEN: Object to form.
2	there's like like issues like, you know, there's a gate or if it's like there's if there's a key, sometimes the detectives when they when they	2 3	MR. ZURBRIGGEN: Object to form. Officer THE WITNESS: I was. BY MR. WEST:
2 3 4	there's like like issues like, you know, there's a gate or if it's like there's if there's a key, sometimes the detectives when they when they send the warrant for us at the request	2 3 4	MR. ZURBRIGGEN: Object to form. Officer THE WITNESS: I was. BY MR. WEST: Q. Okay. Because it sounds like
2 3 4 5	there's like like issues like, you know, there's a gate or if it's like there's if there's a key, sometimes the detectives when they when they	2 3 4 5	MR. ZURBRIGGEN: Object to form. Officer THE WITNESS: I was. BY MR. WEST:
2 3 4 5	there's like like issues like, you know, there's a gate or if it's like there's if there's a key, sometimes the detectives when they when they send the warrant for us at the request for us to serve, sometimes the detective	2 3 4 5	MR. ZURBRIGGEN: Object to form. Officer THE WITNESS: I was. BY MR. WEST: Q. Okay. Because it sounds like like for a lot of these questions related to how
2 3 4 5 6	there's like like issues like, you know, there's a gate or if it's like there's if there's a key, sometimes the detectives when they when they send the warrant for us at the request for us to serve, sometimes the detective will say there that they spoke to the	2 3 4 5 6	MR. ZURBRIGGEN: Object to form. Officer THE WITNESS: I was. BY MR. WEST: Q. Okay. Because it sounds like like for a lot of these questions related to how to do reconnaissance you're saying that you have
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10 (Pages 37 to 40)

	Page 41		Page 43
1	THE WITNESS: That's the training I	1	not there was or wasn't a rear door.
2	received, sir.	2	MR. ZURBRIGGEN: Same objection.
3	BY MR. WEST:	3	Officer, you can answer if you
4	Q. And the training you received also	4	recall.
5	said that in certain situations you wouldn't need	5	THE WITNESS: Yes, I do, yeah.
6	to check to see if there's a rear entrance to the	6	BY MR. WEST:
7	building; correct?	7	Q. You did know there was a rear door?
8	MR. ZURBRIGGEN: Object to form.	8	A. Yeah.
9	Officer, if you can	9	Q. How did you know there was a rear
10	THE WITNESS: If I do the	10	door?
11	reconnaissance, I we normally to	11	MR. ZURBRIGGEN: Same objection.
12	the best that we could, depending on the	12	Officer
13	circumstance, we normally also check the	13	THE WITNESS: Because we put
14	rear, of how to get to the rear of the	14	during the brief, we put rear
15	property. But that's not the case all	15	containment at the back just in case the
16	the time because sometimes there are	16	suspect would run out the back door.
17	people standing outside, especially if	17	BY MR. WEST:
18	we're doing the reconnaissance during	18	Q. Okay. So tell me everything that
19	the day.	19	was said at the briefing with regards to the rear
20	BY MR. WEST:	20	door.
21	Q. Sir, with regards to the property	21	MR. ZURBRIGGEN: Object to form as
22	at 4664 Torresdale Avenue where the warrant was	22	asked and answered.
23	enforced on June 4, 2021, isn't it true that prior	23	Go ahead, Officer, you can answer.
24	to entering Ms. Alvarado's apartment you	24	THE WITNESS: I cannot specifically
			. ,
	Page 42		Page 44
1	personally were unaware of the existence of a rear	1	recall. All we did is we we put a
1 2	personally were unaware of the existence of a rear door?	1 2	recall. All we did is we we put a rear containment at the back door.
	door? MR. ZURBRIGGEN: Object to form.	1	rear containment at the back door. BY MR. WEST:
2	door?	2 3 4	rear containment at the back door. BY MR. WEST: Q. Do you specifically recall anything
2	door? MR. ZURBRIGGEN: Object to form.	2 3	rear containment at the back door. BY MR. WEST:
2 3 4 5	door? MR. ZURBRIGGEN: Object to form. Officer, if you recall, you can	2 3 4 5	rear containment at the back door. BY MR. WEST: Q. Do you specifically recall anything about the rear door being said at the briefing today?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. ZURBRIGGEN: Object to form. Officer, if you recall, you can answer. THE WITNESS: No. BY MR. WEST: Q. You did know there was a rear door? A. We know that there's a rear exit, but we do not know that that's — that's an apartment or just plainly a back door of a normal property. Q. So you did or did not know there was a rear door? MR. ZURBRIGGEN: Same objection. Officer THE WITNESS: I assume that there's a rear door, but I wasn't on the entry team, sir. I wasn't the rear at that time. BY MR. WEST: Q. Well, sir, I'm not asking you if	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	rear containment at the back door. BY MR. WEST: Q. Do you specifically recall anything about the rear door being said at the briefing today? MR. ZURBRIGGEN: Same objection. Officer THE WITNESS: No. BY MR. WEST: Q. The warrant in this case specifically said that it applied to Apartment Number 2 on the second floor rear; correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer if you recall. THE WITNESS: No, I can't recall. BY MR. WEST: Q. Okay. Do you recall what the warrant at issue said? A. No. I have served many warrants since then, so I have to refer you to the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. ZURBRIGGEN: Object to form. Officer, if you recall, you can answer. THE WITNESS: No. BY MR. WEST: Q. You did know there was a rear door? A. We know that there's a rear exit, but we do not know that that's — that's an apartment or just plainly a back door of a normal property. Q. So you did or did not know there was a rear door? MR. ZURBRIGGEN: Same objection. Officer THE WITNESS: I assume that there's a rear door, but I wasn't on the entry team, sir. I wasn't the rear at that time. BY MR. WEST: Q. Well, sir, I'm not asking you if	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	rear containment at the back door. BY MR. WEST: Q. Do you specifically recall anything about the rear door being said at the briefing today? MR. ZURBRIGGEN: Same objection. Officer THE WITNESS: No. BY MR. WEST: Q. The warrant in this case specifically said that it applied to Apartment Number 2 on the second floor rear; correct? MR. ZURBRIGGEN: Object to form. Officer, you can answer if you recall. THE WITNESS: No, I can't recall. BY MR. WEST: Q. Okay. Do you recall what the warrant at issue said? A. No. I have served many warrants since then, so I have to refer you to the

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1	Page 45		Page 47
1	Alvarado's apartment, were you given any	1	BY MR. WEST:
2	instructions as to what portions of the	2	Q. Sir, if you were aware of the
3	multi-residence building you were and were not	3	fact if you strike the question.
4	allowed to enter?	4	All right. You entered the
5	MR. ZURBRIGGEN: Object to form.	5	property with Officer Song; correct?
6	Officer, you can answer if you	6	A. Yes.
7	know.	7	Q. Did you normally work with Officer
8	THE WITNESS: I was in the first	8	Song at that time or was were you kind of just
9	entry team and my specific job at that	9	randomly assigned for this incident?
10	at that warrant is to enter through	10	MR. ZURBRIGGEN: Object to form.
11	the first door and clear the clear	11	But, Officer
12	the property from there.	12	MR. WEST: If you understand the
13	BY MR. WEST:	13	question.
14	Q. Okay. And where did you believe	14	THE WITNESS: Yeah. We're on the
15	that that door led to, if anywhere, or did you not	15	same squad, but we we don't normally
16	know?	16	have the same position and the same team
17	MR. ZURBRIGGEN: Object to form.	17	for every warrant every single day,
18	Officer, you can answer.	18	but
19	THE WITNESS: Rephrase the question	19	
20	again, sir.	20	BY MR. WEST:
21	BY MR. WEST:	21	Q. Like was he possibly your partner
22	Q. Where did you think the door led?	22	or anything like that or just someone you happened
23	A. I would think it would lead to the	23	to be next to at that time?
24	to the property that we that we that we	24	A. No. For that for that day, I
		24	believe he was to the best of my recollection,
	Page 46		Page 48
1	are trying to serve the warrant for, sir.	1	he was my partner for that for that shift.
2	Q. Did you actually know where the	2	Q. Okay. That's what I was trying to
3	door led before you entered it?	3	get at.
4	MR. ZURBRIGGEN: Object to form.	4	When it says somewhere in the
5	THE WITNESS: That's you can't	5	records that he was your partner. Was that just
6	tell that, sir.	6	specific for the day or was he your partner more
7	BY MR. WEST:	7	than just that day?
	Q. So fair to say you didn't know	8	A. It's always specific for the day.
8			
8 9	where the door led before you entered it?	9	We we end up changing partners from time to
	where the door led before you entered it? MR. ZURBRIGGEN: Same objection.	9	We we end up changing partners from time to time because sometimes like we have different
9	MR. ZURBRIGGEN: Same objection. Officer		We we end up changing partners from time to
9 10	MR. ZURBRIGGEN: Same objection.	10	We we end up changing partners from time to time because sometimes like we have different operators that work on a shift. Q. Okay. And in the context of how
9 10 11	MR. ZURBRIGGEN: Same objection. Officer THE WITNESS: Yes. BY MR. WEST:	10 11 12 13	We we end up changing partners from time to time because sometimes like we have different operators that work on a shift. Q. Okay. And in the context of how the SWAT unit would operate at that time, in this
9 10 11 12	MR. ZURBRIGGEN: Same objection. Officer THE WITNESS: Yes. BY MR. WEST: Q. Is that one of the things that the	10 11 12	We we end up changing partners from time to time because sometimes like we have different operators that work on a shift. Q. Okay. And in the context of how
9 10 11 12 13	MR. ZURBRIGGEN: Same objection. Officer THE WITNESS: Yes. BY MR. WEST: Q. Is that one of the things that the reconnaissance team is supposed to figure out	10 11 12 13 14 15	We we end up changing partners from time to time because sometimes like we have different operators that work on a shift. Q. Okay. And in the context of how the SWAT unit would operate at that time, in this context, what does it mean to be a partner? A. You're on the same team. What do
9 10 11 12 13 14	MR. ZURBRIGGEN: Same objection. Officer THE WITNESS: Yes. BY MR. WEST: Q. Is that one of the things that the reconnaissance team is supposed to figure out before someone knocks down a front door to where	10 11 12 13 14 15	We we end up changing partners from time to time because sometimes like we have different operators that work on a shift. Q. Okay. And in the context of how the SWAT unit would operate at that time, in this context, what does it mean to be a partner?
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9 10 11 12 13 14 15 16 17 18 19 20 21	MR. ZURBRIGGEN: Same objection. Officer THE WITNESS: Yes. BY MR. WEST: Q. Is that one of the things that the reconnaissance team is supposed to figure out before someone knocks down a front door to where it leads? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: We can only base that, sir, to to what we observe from the outside, sir. So there's no way you would be able to know what's behind that	10 11 12 13 14 15 16 17 18 19 20 21 22 23	We we end up changing partners from time to time because sometimes like we have different operators that work on a shift. Q. Okay. And in the context of how the SWAT unit would operate at that time, in this context, what does it mean to be a partner? A. You're on the same team. What do you mean? Q. I'm just wondering. So it says in the records that you and him were partners, and I am just wondering what all that would that would indicate. A. So
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12 (Pages 45 to 48)

	Page 49		Page 51
1	warrant, normally partners would end up	1	Q. But based on your experience, what
2	on the same team, or if there's a	2	would be your interpretation of that?
3	barricade, we're going to be together in	3	MR. ZURBRIGGEN: Same objection.
4	the same car, the same on the patrol log	4	Officer, you can answer.
5	and stuff like that.	5	THE WITNESS: For me, if I've seen
6	BY MR. WEST:	6	this warrant, I would probably if I
7	Q. Okay. So sir, just for reference,	7	was the supervisor, I would probably
8	I will mark here as Hamoy-1 a copy of the search	8	again, you know, it's the supervisor's
9	warrant and affidavit. This is Bates stamped as	9	call, sir.
10	Defense 151, and I have highlighted where it says	10	BY MR. WEST:
11	second floor rear, just for reference.	11	Q. But if you had seen this warrant
12		12	and you knew there was a rear door, you probably
13	(Whereupon, the document was	13	would have gone through the rear door; is that
14	marked, for identification purposes, as	14	correct?
15	Exhibit Number Hamoy-1.)	15	MR. ZURBRIGGEN: Object to form.
16		16	Officer, you can answer.
17	BY MR. WEST:	17	THE WITNESS: Yes.
18	Q. Sir, so you asked for a copy of the	18	BY MR. WEST:
19	warrant. There's the warrant.	19	Q. Okay. Did you do you recall
20	So sir, you can see that it	20	hearing the dog in Ms. Alvarado's apartment
21	specifically says it only applies to the second	21	barking before the front door was breached?
22	floor rear; correct?	22	A. No, I could not recall.
23	MR. ZURBRIGGEN: Object to form.	23	Q. Do you recall when you heard the
24	But, Officer, you can answer.	24	dog bark, if you heard the bark at all?
	Page 50		Page 52
1	THE WITNESS: Yeah. It says here,	1	A. I couldn't recall when.
1 2	THE WITNESS: Yeah. It says here, sir.	1 2	
	•		
2	sir.	2	Q. Okay. No problem.
2	sir. BY MR. WEST:	2	Q. Okay. No problem. Do you know who ordered the door to
2 3 4	sir. BY MR. WEST: Q. Okay. Now, when you entered	2 3 4	Q. Okay. No problem. Do you know who ordered the door to be breached, if anyone?
2 3 4 5	sir. BY MR. WEST: Q. Okay. Now, when you entered A. Do you want that back?	2 3 4 5	Q. Okay. No problem. Do you know who ordered the door to be breached, if anyone? A. That would be the supervisor behind
2 3 4 5	sir. BY MR. WEST: Q. Okay. Now, when you entered A. Do you want that back? Q. You can keep it.	2 3 4 5	Q. Okay. No problem. Do you know who ordered the door to be breached, if anyone? A. That would be the supervisor behind me. I don't know specifically who.
2 3 4 5 6 7	sir. BY MR. WEST: Q. Okay. Now, when you entered A. Do you want that back? Q. You can keep it. When you entered the property at 46	2 3 4 5 6 7	 Q. Okay. No problem. Do you know who ordered the door to be breached, if anyone? A. That would be the supervisor behind me. I don't know specifically who. Q. All right, sir. So let me give you
2 3 4 5 6 7 8	sir. BY MR. WEST: Q. Okay. Now, when you entered A. Do you want that back? Q. You can keep it. When you entered the property at 46 4664 Torresdale Avenue, did you enter the	2 3 4 5 6 7 8	 Q. Okay. No problem. Do you know who ordered the door to be breached, if anyone? A. That would be the supervisor behind me. I don't know specifically who. Q. All right, sir. So let me give you one more instruction. Your only I mean,
2 3 4 5 6 7 8	sir. BY MR. WEST: Q. Okay. Now, when you entered A. Do you want that back? Q. You can keep it. When you entered the property at 46 4664 Torresdale Avenue, did you enter the second floor rear apartment?	2 3 4 5 6 7 8	Q. Okay. No problem. Do you know who ordered the door to be breached, if anyone? A. That would be the supervisor behind me. I don't know specifically who. Q. All right, sir. So let me give you one more instruction. Your only I mean, subject to your attorney's instructions, your only
2 3 4 5 6 7 8 9	sir. BY MR. WEST: Q. Okay. Now, when you entered A. Do you want that back? Q. You can keep it. When you entered the property at 46 4664 Torresdale Avenue, did you enter the second floor rear apartment? A. No, sir. We entered the front.	2 3 4 5 6 7 8 9	Q. Okay. No problem. Do you know who ordered the door to be breached, if anyone? A. That would be the supervisor behind me. I don't know specifically who. Q. All right, sir. So let me give you one more instruction. Your only I mean, subject to your attorney's instructions, your only obligation today is to give truthful testimony based on your personal knowledge. A. Oh. Sorry about that.
2 3 4 5 6 7 8 9 10	sir. BY MR. WEST: Q. Okay. Now, when you entered A. Do you want that back? Q. You can keep it. When you entered the property at 46 4664 Torresdale Avenue, did you enter the second floor rear apartment? A. No, sir. We entered the front. Q. Okay. Now, if you had been aware that there was a rear door to that building that was on its own street with its own entrance, and	2 3 4 5 6 7 8 9 10	Q. Okay. No problem. Do you know who ordered the door to be breached, if anyone? A. That would be the supervisor behind me. I don't know specifically who. Q. All right, sir. So let me give you one more instruction. Your only I mean, subject to your attorney's instructions, your only obligation today is to give truthful testimony based on your personal knowledge.
2 3 4 5 6 7 8 9 10 11	sir. BY MR. WEST: Q. Okay. Now, when you entered A. Do you want that back? Q. You can keep it. When you entered the property at 46 4664 Torresdale Avenue, did you enter the second floor rear apartment? A. No, sir. We entered the front. Q. Okay. Now, if you had been aware that there was a rear door to that building that was on its own street with its own entrance, and if you had been aware of the fact that the warrant	2 3 4 5 6 7 8 9 10 11	Q. Okay. No problem. Do you know who ordered the door to be breached, if anyone? A. That would be the supervisor behind me. I don't know specifically who. Q. All right, sir. So let me give you one more instruction. Your only I mean, subject to your attorney's instructions, your only obligation today is to give truthful testimony based on your personal knowledge. A. Oh. Sorry about that.
2 3 4 5 6 7 8 9 10 11 12 13 14	sir. BY MR. WEST: Q. Okay. Now, when you entered A. Do you want that back? Q. You can keep it. When you entered the property at 46 4664 Torresdale Avenue, did you enter the second floor rear apartment? A. No, sir. We entered the front. Q. Okay. Now, if you had been aware that there was a rear door to that building that was on its own street with its own entrance, and if you had been aware of the fact that the warrant applied only to the rear of the building, do you	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Okay. No problem. Do you know who ordered the door to be breached, if anyone? A. That would be the supervisor behind me. I don't know specifically who. Q. All right, sir. So let me give you one more instruction. Your only I mean, subject to your attorney's instructions, your only obligation today is to give truthful testimony based on your personal knowledge. A. Oh. Sorry about that. Q. So I'm not going I'm not going to ask you to guess or speculate at any time. A. Okay.
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13 (Pages 49 to 52)

	Page 53		Page 55
1	Q. Okay. You don't recall it?	1	BY MR. WEST:
2	A. I don't recall.	2	Q. Right. So any time and based on
3	Q. All right. If I told you that it	3	your training, any door on the outside of the
4	may have been Lieutenant Monk who ordered the	4	knock-and-announce sorry, strike the question.
5	breach, does that refresh your recollection at	5	In your in your understanding of
6	all?	6	the policies and procedures of the Philadelphia
7	MR. ZURBRIGGEN: Object to form.	7	Police Department, based on your training, any
8	But, Officer, if you recall	8	door on the outside of a multi-residence property
9	THE WITNESS: No, I would not. I	9	is subject to the knock-and-announce rule before
10	wouldn't know.	10	the SWAT team is allowed to enter; correct?
11	BY MR. WEST:	11	MR. ZURBRIGGEN: Object to form.
12	Q. Have you ever heard of something	12	Officer, you can answer.
13	called the knock-and-announce rule?	13	THE WITNESS: Yes, that would be
14	A. Yes.	14	correct.
15	Q. What is the knock-and-announce rule	15	BY MR. WEST:
16	in your experience?	16	Q. Okay. Can you recall at this time
17	A. We always knock and announce at	17	how much time passed between, if any, between Ms.
18	least three times before we wait for an order from	18	Alvarado's front door being knocked on and her
19	a supervisor to breach.	19	door being knocked down with the SWAT unit ram?
20	Q. Okay. And did you ever receive any	20	A. I cannot recall it specifically,
21	training as to how much time you should allow to	21	sir.
22	pass between, pursuant to the knock-and-announce	22	Q. Do you recall whether or not it was
23	rule, between knocking on someone's front door and	23	a reasonable amount of time?
24	breaching their property?	24	MR. ZURBRIGGEN: Object to form.
	Page 54		Page 56
1	A. To the best of my recollection,	1	But, Officer
	•		· · · · · · · · · · · · · · · · · · ·
2	reasonable time.	2	THE WITNESS: Yeah. It would be
3	reasonable time. Q. Okay. And were you ever given any	3	THE WITNESS: Yeah. It would be reasonable, sir, to the best of my
3 4	reasonable time. Q. Okay. And were you ever given any guidance as to how much time should pass in order	3 4	THE WITNESS: Yeah. It would be reasonable, sir, to the best of my recollection.
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	reasonable time. Q. Okay. And were you ever given any guidance as to how much time should pass in order for that be considered a reasonable amount of time? A. To the best of my recollection, at least three times minimum. Q. Okay. And besides knocking at least three times, is there any particular passage of time that should be allowed to pass? A. I could not recall the specific time, sir. Q. Okay. Did you ever receive any training that the knock-and-announce rule might apply to certain kinds of doors at a multi-property residence, but not other kinds of doors? MR. ZURBRIGGEN: Object to form. Officer, you can answer if you can. THE WITNESS: No. MR. WEST: Okay. THE WITNESS: We normally knock on	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: Yeah. It would be reasonable, sir, to the best of my recollection. BY MR. WEST: Q. But do you have any specific recollection of that amount of time that passed? MR. ZURBRIGGEN: Same objection. THE WITNESS: That, I do not. BY MR. WEST: Q. Okay. Sir, I can represent to you that there actually is third-party video of that incident. It appears to show only a couple of seconds passing. Does that refresh your recollection at all? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. Were there any exigent circumstances in effect in reference to the warrant enforcement at the property of 4664 Torresdale Avenue, in your recollection?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	reasonable time. Q. Okay. And were you ever given any guidance as to how much time should pass in order for that be considered a reasonable amount of time? A. To the best of my recollection, at least three times minimum. Q. Okay. And besides knocking at least three times, is there any particular passage of time that should be allowed to pass? A. I could not recall the specific time, sir. Q. Okay. Did you ever receive any training that the knock-and-announce rule might apply to certain kinds of doors at a multi-property residence, but not other kinds of doors? MR. ZURBRIGGEN: Object to form. Officer, you can answer if you can. THE WITNESS: No. MR. WEST: Okay.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: Yeah. It would be reasonable, sir, to the best of my recollection. BY MR. WEST: Q. But do you have any specific recollection of that amount of time that passed? MR. ZURBRIGGEN: Same objection. THE WITNESS: That, I do not. BY MR. WEST: Q. Okay. Sir, I can represent to you that there actually is third-party video of that incident. It appears to show only a couple of seconds passing. Does that refresh your recollection at all? MR. ZURBRIGGEN: Object to form. THE WITNESS: No. BY MR. WEST: Q. Okay. Were there any exigent circumstances in effect in reference to the warrant enforcement at the property of 4664

14 (Pages 53 to 56)

	Page 57		Page 59
1	Officer, you can answer if you can.	1	A. All I recall that when I was
2	THE WITNESS: Not that I recall	2	approaching her to the kitchen, she raised her
3	other than, to the best of my	3	hand. But that's the best of my recollection that
4	recollection, we were serving a warrant	4	I can recall on that job.
5	for for a homicide.	5	Q. Okay. So she raised her hand in a
6	MR. WEST: Okay.	6	non-threatening manner to indicate surrender; is
7	THE WITNESS: Yeah. I mean, to me,	7	that correct?
8	that's you know, you are not you	8	MR. ZURBRIGGEN: Object to form.
9	are not serving a warrant on normal	9	But, Officer, you can answer if you
10	human being.	10	can.
11	BY MR. WEST:	11	THE WITNESS: Yeah,
12	Q. Right. And in that situation,	12	non-threatening, yes.
13	because everyone is going to be on heightened	13	BY MR. WEST:
14	alert given the potential danger of the suspect,	14	Q. Okay. And isn't it true that Ms.
15	it's all the more important for the reconnaissance	15	Alvarado asked for an opportunity to put her dog
16	team to make sure they're sending you to the right	16	in its cage before it was shot?
17	place; right?	17	MR. ZURBRIGGEN: Object to form.
18	MR. ZURBRIGGEN: Object to form.	18	But, Officer
19	Officer, you can answer.	19	THE WITNESS: I do not recall that,
20	THE WITNESS: Yes. That would make	20	no.
21		21	BY MR. WEST:
22	sense. BY MR. WEST:	22	Q. Okay. You can't recall whether or
23	Q. Okay. Did before Ms. Alvarado's	23	not she said that at this time?
24	front door was was rammed open, did you hear	24	A. I don't think so.
	from door was was faithfied open, did you flear		
	Page 58		Page 60
	3		Page 60
1	any person's voice from inside the apartment?	1	Q. Okay. Do you recall anything
1 2		1 2	
	any person's voice from inside the apartment?		Q. Okay. Do you recall anything
2	any person's voice from inside the apartment? A. Before?	2	Q. Okay. Do you recall anything specifically that Ms. Alvarado said at that time?
2	any person's voice from inside the apartment? A. Before? Q. Yeah.	2	Q. Okay. Do you recall anything specifically that Ms. Alvarado said at that time? A. No.
2 3 4	any person's voice from inside the apartment? A. Before? Q. Yeah. A. No.	2 3 4 5	Q. Okay. Do you recall anything specifically that Ms. Alvarado said at that time?A. No.Q. But do you recall that Ms. Alvarado
2 3 4 5 6 7	any person's voice from inside the apartment? A. Before? Q. Yeah. A. No. Q. Okay. So just tell me everything you can remember, if anything, of what happened once that front door was rammed open.	2 3 4 5 6 7	Q. Okay. Do you recall anything specifically that Ms. Alvarado said at that time? A. No. Q. But do you recall that Ms. Alvarado was speaking at that time? A. I can't recall if what he said she said.
2 3 4 5 6 7 8	any person's voice from inside the apartment? A. Before? Q. Yeah. A. No. Q. Okay. So just tell me everything you can remember, if anything, of what happened once that front door was rammed open. A. To the to the best of my	2 3 4 5 6 7 8	 Q. Okay. Do you recall anything specifically that Ms. Alvarado said at that time? A. No. Q. But do you recall that Ms. Alvarado was speaking at that time? A. I can't recall if what he said she said. Q. Okay. So you can recall that she
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15 (Pages 57 to 60)

-	Page 61		Page 63
1	THE WITNESS: Not that I recall of.	1	there's like stairs and doors left and
2	BY MR. WEST:	2	right, but that one, it was straight to
3	Q. Okay. To your understanding, was	3	the living room into the kitchen.
4	Ms. Alvarado's apartment subject to the warrant	4	BY MR. WEST:
5	that we have shown you as Hamoy-1?	5	Q. Okay. So
6	MR. ZURBRIGGEN: Object to form.	6	A. So there's
7	Officer, you can answer.	7	Q. Wouldn't it have been reasonable
8	THE WITNESS: At that time, yeah, I	8	for you to understand at the moment the door was
9	was I was that was my that's	9	breached that you had breached the door to the
10	what my that was my belief, yeah.	10	wrong apartment?
11	BY MR. WEST:	11	MR. ZURBRIGGEN: Object to form.
12	O. Based on the fact that the	12	THE WITNESS: No, not not after
13		13	we're inside the property.
14	supervisor told you to break the door down?	14	BY MR. WEST:
15	MR. ZURBRIGGEN: Object to form.	15	Q. What about the occupied area on the
	Officer	16	first floor, if anything, led you to believe that
16	THE WITNESS: Yes.	17	you had entered Apartment 2 on the second floor
17	BY MR. WEST:	18	rear?
18	Q. Did you have any other basis to	19	MR. ZURBRIGGEN: Object to form.
19	believe that Ms. Alvarado's apartment was subject	20	Officer
20	to this warrant?	21	THE WITNESS: Once we once we
21	MR. ZURBRIGGEN: Same objection.	22	cleared that property, then I heard from
22	THE WITNESS: No.	23	the supervisor that we need to go around
23	BY MR. WEST:	24	to the rear and I just followed
24	Q. Okay. And Ms. Alvarado's apartment		to the real and I just followed
	Page 62		Page 64
1	was on the first floor; correct?	1	instructions.
2	A. Yes.	2	BY MR. WEST:
3			211111111111111111111111111111111111111
	Q. Okay. After the door was rammed	3	Q. Let me see if I have a photo. If
4	Q. Okay. After the door was rammed open, you could see inside of the apartment;	3 4	
4 5	•	1	Q. Let me see if I have a photo. If
	open, you could see inside of the apartment;	4	Q. Let me see if I have a photo. If you can just give me a moment.
5	open, you could see inside of the apartment; correct?	4 5	Q. Let me see if I have a photo. If you can just give me a moment. Did you hear Officer Song say
5 6	open, you could see inside of the apartment; correct? A. Yes.	4 5 6	Q. Let me see if I have a photo. If you can just give me a moment. Did you hear Officer Song say anything about the dog shooting?
5 6 7	open, you could see inside of the apartment; correct? A. Yes. Q. And you could see that it was an	4 5 6 7	Q. Let me see if I have a photo. If you can just give me a moment. Did you hear Officer Song say anything about the dog shooting? A. No.
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5 6 7 8 9	open, you could see inside of the apartment; correct? A. Yes. Q. And you could see that it was an occupied area; correct? A. Occupied, yes, by her.	4 5 6 7 8 9	Q. Let me see if I have a photo. If you can just give me a moment. Did you hear Officer Song say anything about the dog shooting? A. No. Q. Did you hear Officer Song say anything prior to shooting the dog?
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5 6 7 8 9 10 11 12 13 14 15	open, you could see inside of the apartment; correct? A. Yes. Q. And you could see that it was an occupied area; correct? A. Occupied, yes, by her. Q. Okay. And so you knew that there was an occupied area on the first floor at that time; correct? A. Yes. Q. So why did you enter that area even though the warrant did not apply to the first	4 5 6 7 8 9 10 11 12 13 14 15	Q. Let me see if I have a photo. If you can just give me a moment. Did you hear Officer Song say anything about the dog shooting? A. No. Q. Did you hear Officer Song say anything prior to shooting the dog? A. No. Q. All right, sir. This is a photo. It's actually dated here. It was taken from Google Maps on May 15th of this year. MR. WEST: We'll mark this as Hamoy-2.
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16 (Pages 61 to 64)

	Page 65		Page 67
1	we use all the time.	1	that front door, is there a second floor?
2	MR. ZURBRIGGEN: I'll share I'll	2	MR. ZURBRIGGEN: Same objection.
3	share it with him. That's fine.	3	Officer
4	BY MR. WEST:	4	THE WITNESS: Not immediately.
5	Q. Officer Hamoy, so if you could just	5	It's pushed back to the back.
6	take a moment to orient yourself with that	6	BY MR. WEST:
7	photograph and let me know once you have had a	7	Q. Right. So you can see that
8	chance to look at it and proceed.	8	somewhere in that building there is a second
9	A. Yup.	9	floor, but that that door itself leads to an
10	Q. Okay. Do you recognize what that's	10	area that's only one floor tall; correct?
11	a photograph of?	11	MR. ZURBRIGGEN: Same objection.
12	A. Yeah, the property of 4658.	12	Officer
13	Q. 4664 Torresdale Avenue?	13	THE WITNESS: Yes. Yup. Yes.
14	A. Oh, sorry. Yeah, 4664.	14	BY MR. WEST:
15	Q. Could you mark with a yellow	15	Q. Now, looking at that carefully at
16	highlighter the building that you believe was 4664	16	this time, do you believe that it would be
17	Torresdale?	17	reasonable for someone to believe that that door
18	A. Just circle it? (Witness complies)	18	led directly to the second floor rear apartment?
19	Q. Yes, just circle the building	19	MR. ZURBRIGGEN: Object to form.
20	because there's more than one in that picture.	20	Officer, you can answer.
21	Okay. So the building that you've	21	THE WITNESS: Yes. To my
22	circled with the yellow highlighter, is that the	22	experience, there are there are
23	building that was breached by the SWAT unit on	23	there are times that it leads to the
24	June 4, 2021?	24	second apartment, yeah.
	Page 66		Page 68
	rage ou		1490 00
1	A To the best of my recollection	1	RV MR WEST
1 2	A. To the best of my recollection,	1 2	BY MR. WEST:
1 2 3	yes. But I think it's also on the recon sheet,	1 2 3	Q. Okay. But are there also times
2	yes. But I think it's also on the recon sheet, right, paperwork there.	2	Q. Okay. But are there also times where that door would have led to an occupied
2	yes. But I think it's also on the recon sheet, right, paperwork there. Q. But this is consistent with your	2	Q. Okay. But are there also times where that door would have led to an occupied first floor apartment?
2 3 4	yes. But I think it's also on the recon sheet, right, paperwork there. Q. But this is consistent with your recollection of what it looked like; correct?	2 3 4	Q. Okay. But are there also times where that door would have led to an occupied first floor apartment? MR. ZURBRIGGEN: Object to form.
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2 3 4 5 6	yes. But I think it's also on the recon sheet, right, paperwork there. Q. But this is consistent with your recollection of what it looked like; correct? A. Yes. Q. And there's a front door in this	2 3 4 5	Q. Okay. But are there also times where that door would have led to an occupied first floor apartment? MR. ZURBRIGGEN: Object to form. Officer, you can answer.
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2 3 4 5 6 7 8 9 10	yes. But I think it's also on the recon sheet, right, paperwork there. Q. But this is consistent with your recollection of what it looked like; correct? A. Yes. Q. And there's a front door in this yellow, highlighted, circled area; correct? A. Yes. Q. And that's the front door that — that you and Officer Song and other SWAT unit	2 3 4 5 6 7 8 9 10	Q. Okay. But are there also times where that door would have led to an occupied first floor apartment? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Okay. And pursuant to this warrant that we have already marked as Hamoy-1, would you and the SWAT unit have been legally allowed to
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	yes. But I think it's also on the recon sheet, right, paperwork there. Q. But this is consistent with your recollection of what it looked like; correct? A. Yes. Q. And there's a front door in this yellow, highlighted, circled area; correct? A. Yes. Q. And that's the front door that that you and Officer Song and other SWAT unit members breached; correct? A. Yes. Q. Sir, I want you to just carefully look at that picture at this time, just carefully review it. And after you've had a chance to very carefully look at it, would you let me know is there a second floor above that door? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes. It's clearly you can see it from there.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. But are there also times where that door would have led to an occupied first floor apartment? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Okay. And pursuant to this warrant that we have already marked as Hamoy-1, would you and the SWAT unit have been legally allowed to enter the first floor apartment MR. ZURBRIGGEN: Object to form. Officer, you can answer. BY MR. WEST: Q in your in your understanding of the Philadelphia policies and procedures? MR. ZURBRIGGEN: Same objection. Officer THE WITNESS: Based on what I have seen here and what was highlighted in that warrant, I would as I said
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	yes. But I think it's also on the recon sheet, right, paperwork there. Q. But this is consistent with your recollection of what it looked like; correct? A. Yes. Q. And there's a front door in this yellow, highlighted, circled area; correct? A. Yes. Q. And that's the front door that—that you and Officer Song and other SWAT unit members breached; correct? A. Yes. Q. Sir, I want you to just carefully look at that picture at this time, just carefully review it. And after you've had a chance to very carefully look at it, would you let me know is there a second floor above that door? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes. It's clearly—you can see it from there. BY MR. WEST:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Okay. But are there also times where that door would have led to an occupied first floor apartment? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Okay. And pursuant to this warrant that we have already marked as Hamoy-1, would you and the SWAT unit have been legally allowed to enter the first floor apartment MR. ZURBRIGGEN: Object to form. Officer, you can answer. BY MR. WEST: Q in your in your understanding of the Philadelphia policies and procedures? MR. ZURBRIGGEN: Same objection. Officer THE WITNESS: Based on what I have seen here and what was highlighted in that warrant, I would as I said before, I would have went up to the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	yes. But I think it's also on the recon sheet, right, paperwork there. Q. But this is consistent with your recollection of what it looked like; correct? A. Yes. Q. And there's a front door in this yellow, highlighted, circled area; correct? A. Yes. Q. And that's the front door that that you and Officer Song and other SWAT unit members breached; correct? A. Yes. Q. Sir, I want you to just carefully look at that picture at this time, just carefully review it. And after you've had a chance to very carefully look at it, would you let me know is there a second floor above that door? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes. It's clearly you can see it from there.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. But are there also times where that door would have led to an occupied first floor apartment? MR. ZURBRIGGEN: Object to form. Officer, you can answer. THE WITNESS: Yes. BY MR. WEST: Q. Okay. And pursuant to this warrant that we have already marked as Hamoy-1, would you and the SWAT unit have been legally allowed to enter the first floor apartment MR. ZURBRIGGEN: Object to form. Officer, you can answer. BY MR. WEST: Q in your in your understanding of the Philadelphia policies and procedures? MR. ZURBRIGGEN: Same objection. Officer THE WITNESS: Based on what I have seen here and what was highlighted in that warrant, I would as I said

17 (Pages 65 to 68)

	Page 69		Page 71
1	BY MR. WEST:	1	CERTIFICATION
2	Q. You would not have done it if you	2	
3	had	3	I, CANDACE WEINDEL, hereby
4	A. I would have went over to the rear,	4	certify that the foregoing is a true and
5	yeah.	5	correct transcript transcribed from the
6	Q. Okay. All right, sir. I don't	6	stenographic notes taken by me on Thursday,
7	think I have any further questions for you at this	7	August 17, 2023.
8	time.	8 9	
9	MR. ZURBRIGGEN: Just a couple	10	up Co.
10	follow-up, Officer.	11	
11	ionow-up, Officer.	12	Candace C. Windel
12		13	Candace Weindel,
	EXAMINATION		Court Reporter
13		14	Notary Public
14	BY MR. ZURBRIGGEN:	15	ř
15	Q. Did you see the rear of the door at	16	
16	any time that you were out serving the warrant,		(This certification does not apply
17	the rear door?	17	to any reproduction of this transcript,
18	A. No because when we serve the	1.0	unless under the direct supervision of
19	warrant, other than what we're told on the brief,	18 19	the certifying reporter.)
20	the rear normally goes the one to the rear. So	20	
21	they are the only ones that's going to have be	21	
22	able to serve the rear or whoever reconned the	22	
23	job. So us as the entry team, we go straight to	23	
24	where the supervisor wants us to be.	24	
3 4 5 6 7 8 9 10 11 12 13 14	Can you see the markings on the front door in this picture? A. No. Q. Do you recall the way the front door was marked today? A. No. The no. Q. Okay. That's all I have, unless Keith has any follow-up. MR. WEST: No, that's it. Thank you very much for your time, sir. THE WITNESS: Thank you. MR. WEST: I always hate having to meet people for the first time like		
16			
17	this, so I hope you have a great day.		
18	Okay. THE WITNESS: This is my first		
19	time.		
20			
21	MR. ZURBRIGGEN: I'll walk you out.		
22	(XXII)		
	(Whereupon, the videotape		
23	deposition concluded at 11:08 a.m.		
24			

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Commonwealth of Bennsylvania

APPLICATION FOR

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enter mous rose searched for and sections clothing, including dark colored part any end all other items deeme	pents, dark belt, black, white	and orange or to	ed Ruma sneedeers, cellular phones
PECIAL DESCRIPTION OF PREMISES AND/OR PERSO	NE TO BE SEARCHED (Street and NA, Apr. No., Vehk	ie. Sale Deposit Gos, etc.):	
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c authority you to scarni the above described pre-	tacts have been gworn to or atterned before me mises or person, and to setze, secure, inventory	and make return accounts by written attention	flached heroto from which I have found probable couse ding to the Permeytvenia Rules of Criminal Procedure.
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Jun 4 2021 10:34am P002/009

CONTINUATION OF APPLICATION FOR SEARCH WARRANT AND AFFIDAVIT #242513 .

On Saturday, May 22, 2021, at approximately 9:51pm, 15th District and SEPTA Police Officers responded to gunshots in the area of the Frankford Terminal, and observed the decedent, LH, 28/B/M suffering from multiple gunshot wounds to his body on the highway outside of 5223 Frankford Avenue. RPC 1526 transported the victim to Temple Hospital. At 10:10pm, the victim succumbed to his injuries and was pronounced dead by Dr. Santora.

Philadelphia Police Crime Scene Unit personnel measured, sketched, photographed and processed the scene. Investigators located ballistics, blood and a firearm as evidence. A total of twenty three (23) FCCs were located, nine (9) FC 9mm lugers and fourteen (14) OMPC 9mm. one (1) projectile, one (1) lead fragment and one (1) copper fragment.

On Sunday, May 23, 2021 Dr. Chu of the Office of the Medical Examiner conducted a post-mortem examination on the remains of the Decedent, and determined the cause of death to be multiple gunshot wounds and the manner of death Homicide.

Det. Anderson # 822 obtained video surveillance footage from the SEPTA Frankford Transportation Center that captured the shooting death of the Decedent. At approximately 9:49pm this footage depicts a light colored SUV traveling north on Frankford Avenue, and then making a right on Granite Street pulling over. Damage to the driver rear window of the SUV can be observed. The Decedent and another male (DP) are observed walking north on Frankford Avenue. As the males approach the corner of Frankford Avenue and Granite Street (in front of the Rainbow Shop at 5223 Frankford Avenue), the Offender exits the passenger side of the light colored SUV and shoots the Decedent, and the Decedent then collapses on the sidewalk. The Offender is a male with apparent braided hair, shirtless and wearing dark pants with light colored underwear or shorts above the waistband, and dark sneakers with a white logo. The Offender then goes back onto Granite Street. DP initially backs away, but is then observed running to the corner of Frankford Avenue and Granite Street where he fires multiple gunshots (muzzle flashes are observed) east on Granite Street in the direction of the Offender. DP then runs east on Granite Street with SEPTA Police in foot pursuit. (DP was subsequently apprehended at 1600 Pratt Street out of view of the camera)

On Monday, May 24, 2021, the Real Time Crime Center (RTCC) contacted the Homicide Unit in reference to the shooting of LH at 5223 Frankford Avenue. An anonymous tipster called the RTCC with the information that a male known to the tipster as " committed the shooting. The tipster elaborated that Philadelphia Police stopped on the 5200 block of Marlowe Street recently, but that he was not arrested. The tipster told RTCC that a gold SUV and that, at the moment the tipster was on the phone with RTCC, that vehicle was on the 5200 block of Mulberry Street with several bullet holes in it. The tipster provided a Pennsylvania license plate for that vehicle: LHW-2868.

A BMV check showed that PA Tag# LHW-2868 is registered to a 2004 Suzuki belonging to , 4664 Torresdale Avenue, Philadelphia, PA 19124.

Detectives Domenic and Grace performed several checks and found that PPN: 1005293 was stopped by Police on the 5200 block of Marlowe Street on April 5, 2021 (DC# 21-15-24065).

Detective Grace requested an ALPR (Automated License Plate Reader) check for Pennsylvania license plate LHW-2868. The results showed multiple positive results in close proximity to 4664

Comor lA

Mary L'XL Trade

A BMV check showed to have a PA Avenue, Philadelphia, PA 19124.	ID listing the address of 4664 Torresdale
A check of Prison Release Data shows to 4664 Torresdale Avenue, 2 nd Floor.	was last released on 6/18/2020
On June 2, 2021 the assigned spoke with Probatio PPN 1005293. Officer Shannon has not met with spoke to him on the telephone on May 5, 2021. Of Torresdale Avenue, 2 nd Floor Rear for	due to COVID protocols but last
Torresdale Avenue, 2 nd Floor Rear, Philadelphia, I ballistic evidence, clothing including dark colored	and seizure warrant be granted for the property at 4664 PA 19124 to recover any firearms, ammunition or other pants, dark belt, black, white and orange or red Puma deemed to be of evidentiary value to this investigation.
I certify that this filing complies with the provision System of Pennsylvania: Case Records of the Appe information and documents differently than non-co	ss of the Public Access Policy of the Unified Judicial allate and Trial Courts that require filing confidential onfidential information and documents.
Not 1.5 cell #	Al ton
Signature of Affiant E	Badge Unit
Sworn to (or affirmed) and subscriber before me t	his3
Day of June	_ 2021. A Cornal

Signature of Issuing Authority

EXHIBIT "T"

Transcript of the Testimony of: **Detective Francis Graf**

Date: September 28, 2023

Case: Alvarado v. City of Philadelphia, et al

Diamond Court Reporting Phone: 856-589-1107

Fax:856-589-4741

Email:dcr.diamond@comcast.net

IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY, PENNSYLVANIA

- - -

FELISHATAY ALVARADO : JUNE TERM, 2022

:

vs.

:

CITY OF PHILADELPHIA, et al : NO. 1633

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THURSDAY, SEPTEMBER 28, 2023

- - -

Videotaped Oral Deposition of

DETECTIVE FRANCIS GRAF, taken at Victims' Recovery

Law Center, The North American Building, 121 South

Broad Street, Philadelphia, Pennsylvania,

commencing at 10:15 a.m., before Denise Weller, a

Professional Shorthand Reporter and Notary Public

in and for the Commonwealth of Pennsylvania.

DIAMOND COURT REPORTING
406 Redbud Lane
Mantua, New Jersey 08051
(856) 292-4292
dcr.diamond@comcast.net

		Page 2		Page 4
1	APPEARAI	NCES:	1	
2			2	PROCEEDINGS
3		RECOVERY LAW CENTER H WEST, ESQUIRE	3	
4	The North	American Building	4	(Whereupon, Exhibit Graf-1 was
5		Broad Street	5	premarked for identification.)
	18th Floor Philadelphia	a, PA 19107	6	premarked for identification.)
6	(215) 546-1	.433	7	(1) 1 1 1 1 1 1
7		imrecovery.com the Plaintiff	8	(It is hereby stipulated and agreed
8	7 ttorney for			by and between counsel that signing,
9	CITY OF P LAW DIVI	HILADELPHIA	9	sealing, filing and certification are
		M R. ZURBRIGGEN, ESQUIRE	10	waived; and that all objections, except as
10	1515 Arch		11	to the form of the questions, are reserved
11	14th Floor Philadelphi	a, PA 19102	12	until the time of trial.)
	(215) 683-5	5114	13	
12		riggen@phila.gov	14	MR. WEST: So normally in this case
13	Auorney Io	the Defendants	15	we agree to the normal stipulations by which
1.4		-	16	we mean that all objections except to the
14	ALSO PRE	SENT:	17	form of the question are reserved to the
15		Kitcherman, Video Operator	18	time of trial.
16 17			19	MR. ZURBRIGGEN: Agreed.
18			20	THE VIDEOGRAPHER: Deposition of
19			21	Police Detective Francis Graf, IV, badge
20 21			22	number 9066. This, the audio/video
22			23	deposition for use at trial in the matter of
23 24			24	Alvarado vs. The City of Philadelphia, et
		Page 3		Page 5
1		INDEX	1	al; Philadelphia Court of Common Pleas
2			2	docket number 220601633.
3	WITNESS	PAGE	3	And I am the video operator. My
4			4	name is Courtney Kitcherman. And I am
5	DETECT	TIVE FRANCIS GRAF	5	employed by the Victims' Recovery Law
6		West) 6	6	Center. My address is 121 South Broad
7	(D) IVII.	west)	7	Street, 18th Floor, Philadelphia,
8			8	Pennsylvania, 19107. Today's date is
9			9	September 28th at 10:16 a.m.
10			10	This deposition is being performed
11			11	in person. The caption of this case is
12		EXHIBITS	12	Alvarado versus City of Philadelphia, et al,
13	NO.		13	Philadelphia Court of Common Pleas, docket
14	INO.	DESCRIPTION PAGE	14	number 220601633. The witness being deposed
15	Coof 1	Statement 4	15	today is Detective Francis Graf, IV, badge
	Graf-1	Statement 4	16	
16	Graf-2	Property Search 36	17	number 9066.
17	Graf-3	Recon Sheet 39		This deposition is being taken on
18	Graf-4	Google Map 40	18	behalf of Plaintiff, Felishatay Alvarado.
19	Graf-5	Interview 45	19	The officer taking this deposition is Denise
20	Graf-6	File Notes 48	20	Weller. And she shall swear the witness in
21	Graf-7	Google Map 56	21	at this time.
22	Graf-8	Arrest Warrant 65	22	
23			23	DETECTIVE FRANCIS GRAF, after having
24			24	been first duly sworn, was examined and

2 (Pages 2 to 5)

Page 6 Page 8 1 1 testified as follows: A. Okay. 2 2 - - -Q. And please don't answer any questions 3 3 **EXAMINATION** unless you understand them. If you would like me 4 4 to speak louder, more slowly, you need me to 5 BY MR. WEST: 5 rephrase a question, anything like that, just let 6 6 Q. Good morning, Detective Graf. My name is us know and we will try to again, be as 7 7 Keith West. I am one of the attorneys accommodating as possible, okay? 8 8 representing the plaintiff in this case, Ms. A. Okay. 9 9 Alvarado. All right. You have already had a Q. All right. So Detective Graf, you're 10 10 chance to speak with your attorney, you're currently a homicide detective with the City of 11 11 prepared to proceed today, correct? Philadelphia, correct? 12 12 A. Correct. A. Yes. 13 13 Q. Okay. And don't take anything -- you Q. How long have you been a homicide 14 have probably been through a deposition before. 14 detective? 15 We have a couple of standard questions that we 15 A. 11 and a half years. 16 have to ask everybody. It's not anything 16 Q. All right. So right now it is -- right 17 17 important to you. now it's 2023. So do you think that you became a homicide detective in about 200 -- what would that 18 Are you under the influence of any sort 18 19 of medication, illness, substance, anything that 19 be, about 2011? 20 would impair your ability to testify truthfully 20 A. It was January of 2012. 21 21 today? Q. All right. And prior to that, what job 22 A. No. 22 did you have? 23 23 Q. Okay. All right. Detective Graf, have A. I was a detective at East Detective 24 you ever been in a deposition before? 24 Division in Philadelphia. Page 7 Page 9 A. Yes. 1 Q. Okay. And what kind of cases would you 2 2 Q. How many times have you been deposed? handle there? 3 A. I would say maybe three. 3 A. In the beginning when I first started 4 4 working there I would -- basically anything that Q. Okay. All right. So you have probably 5 5 heard the basic outline of how we do these before. was not a homicide. 6 6 I will go through it quickly. If you have any Q. Okay. 7 7 additional questions or want any clarifications, A. Or a sex offense. 8 8 let me know. Q. Okay. 9 9 A. Okay. A. But the last seven years there I was 10 10 Q. As your attorney has told you, your only assigned almost exclusively to non-fatal 11 11 obligation today is to give truthful testimony shootings. 12 12 based on your personal knowledge. Q. Okay. And how long did you have that 13 13 So we would ask for you not to guess or job? 14 14 speculate at any time. But we want to know A. At Detective East? 15 15 everything you know. So if you can estimate or Q. Yes. 16 approximate or if you don't have complete 16 A. 12 years. 17 17 knowledge, that is good, just let us know that you Q. Okay. Approximately when did you join 18 are giving an estimate or approximation, okay? 18 the Philadelphia Police Department? 19 19 A. 1995. 2.0 2.0 Q. And we don't intend for this to be an Q. When you joined, what was your -- what 21 21 unnecessarily uncomfortable process, so if you was your original rank? 22 22 would like to take a break, you know, want some A. Police recruit. Actually, I worked for 23 more coffee or anything like that, just let us 23 the City as a civilian dispatcher for three 24 24 know, okay? months. Then I was a police recruit and then a

3 (Pages 6 to 9)

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Page 10 Page 12 1 1 police officer. A. I have been a defendant in a lawsuit, but 2 2 Q. Were you -- basically what I am getting that was eventually dropped when it went to trial. 3 3 at is did you start as a patrol officer? Q. Okay. Were you deposed in that case? 4 A. Yes. 4 A. I don't recall being deposed. 5 Q. Okay. So you have kind of gone all of 5 Q. Okay. Could you tell me generally what 6 6 the ranks up from patrol officer to homicide that case was about? 7 7 detective, right? A. It was an arrest made by the narcotics 8 8 A. I was a patrol officer for three years, a drug force. 9 9 corporal for a year. And then I have been a Q. Okay. 10 10 detective since 1999. A. I handled the case. I was the assigned 11 11 Q. Were you ever a sergeant or lieutenant? detective to the case. 12 12 A. No. Q. Okay. Just generally, was this related 13 13 Q. Okay. And have you ever been a member of to -- there's been kind of a series of cases in 14 the SWAT Unit? 14 Philadelphia about there was a narcotics unit back 15 15 A. No. in -- back of a number of years ago that has been 16 Q. When you were deposed previously, what 16 alleged --17 17 were those three cases about? A. It had nothing to do with that. 18 A. I just had one. I am trying to think 18 Q. Okay. So this is a separate narcotics 19 what it was. It was during COVID. I am trying to 19 issue? 20 think what case that was. I know one was 20 A. Yes. 21 21 definitely an auto accident. Q. Okay. Fine. All right. Detective Graf, 22 Q. Okay. 22 this case involves a warrant informant --23 23 A. I think two were auto accidents, enforcement action back in June 2021 at a property 24 actually. And the last one -- I am trying to 24 located on Torresdale Avenue. Page 11 Page 13 1 1 think what case that was. It was from homicide. Do you have any recollection of this case 2 2 It was a homicide case. But I don't recall what at all today? 3 the -- oh, I'm sorry. It was a person was killed 3 A. Yes. 4 4 inside of an apartment building. And the family Q. Okay. And did you have a chance to 5 was suing the apartment complex. 5 review any documents or materials in preparation 6 6 Q. Okay. I am trying to think if that might for today's testimony? 7 7 have actually been one of our cases. Because we A. I reviewed my statement to internal 8 8 handle a lot of crime victim cases. Your name affairs shooting. 9 9 comes up a lot just reading records. I don't Q. Okay. Did you review any video? 10 10 remember if we ever --A. No. 11 11 Q. Did you -- are you aware if there is any A. I am trying to think. It was a woman 12 12 that got killed. I can't think of her name. video of this enforcement action at all? 13 13 A. Not that I am aware of. Q. It might have been with David 14 14 Thiruselvam. It doesn't matter. All right, Q. Okay. Did you -- did you review any 15 15 Detective. So -- but you have never been a other documents besides your own statement? 16 defendant in a 1983 action? 16 17 A. 1983? 17 Q. All right. I premarked your statement as 18 MR. ZURBRIGGEN: Object to form. 18 Graf-1. It's right next to you. You can take a 19 19 look. Look at it real quick. We will start off Detective, if you know what that is. 2.0 THE WITNESS: I don't know what that 20 going over that. 21 21 Do you recall today giving this statement is. 22 22 BY MR. WEST: on June 17th of 2021? 23 Q. That's fine. You have never been a 23 A. Yes. 24 24 defendant in a lawsuit? Q. Outside of reading the statement, do you

4 (Pages 10 to 13)

Page 14 Page 16 1 1 have any recollection of being involved in a anybody from the Philadelphia Probation and Parole 2 2 warrant enforcement action for the address 4664 Office had made an inspection of 3 3 Torresdale Avenue? residence? 4 A. Can you repeat? 4 A. I do not. 5 5 Q. Yes, absolutely. I am just wondering, do Q. Did you ever ask anyone if that had 6 6 you -- is your recollection limited to reviewing happened? 7 7 this document or do you have any memory of this A. No, not that I recall. 8 8 incident separate from what you just read on the Q. Okay. You obtained the address 4664 9 9 Torresdale Avenue, second floor rear, from Mr. paper? 10 10 A. I recall being present. probation officer; is that correct? 11 Q. Okay. And in this statement, I will read 11 A. Correct. 12 12 from the second page of the packet, Bates stamped Q. All right. And are you basing that just 13 13 Defense 69. "On June 2nd, 2021, I spoke to on the statement you gave, the statement here or 14 Probation Officer Shannon of Philadelphia 14 do you have any specific recollection of doing 15 15 Probation and Parole, who supervises" -- and it's that? 16 blocked off, but I can represent the name there is 16 MR. ZURBRIGGEN: Object to form. 17 17 But go ahead, Detective. 18 Do you actually have any recollection of 18 THE WITNESS: I mean, I remember the that conversation today? 19 19 conversation I had with the probation 20 A. Yes. 20 officer. 21 21 Q. Okay. Did you know that had BY MR. WEST: 22 been on house arrest? 22 Q. Okay. 23 23 A. I don't recall that. I won't say yes or A. I am sure I recorded this information 24 no. I don't remember. 24 somewhere. I mean, this was also the day prior to Page 15 Page 17 1 1 Q. Okay. Are you aware -- strike the obtaining the warrant. 2 2 question. Q. And you had that conversation in order to 3 In your experience if a suspect had been 3 gather information to prepare warrants to go to 4 4 placed on house arrest, would that mean that Mr. house, correct? 5 5 someone from the Probation or Parole Office had, A. Well, there -- I would -- I don't have an 6 6 by necessity, made a physical inspection of the independent recollection of this. But I also --7 7 house? we sometimes use probation officers or parole 8 8 MR. ZURBRIGGEN: Object to form. agents to view video of people to possibly make an 9 9 But Detective, if you know, you can answer. identification. In this case I don't know that 10 10 THE WITNESS: I don't know. I don't she had met with Mr. . . . It was all based during 11 11 know their procedures. COVID. So a lot of this was due to COVID 12 BY MR. WEST: 12 protocols. 13 13 Q. Okay. So in your many years of Q. Okay. Did you ask parole officer --14 14 experience with the Philadelphia Police probation -- strike the question. 15 Department, you have never been educated as far as 15 Did you ask Probation Officer Shannon to 16 what the procedures of the Philadelphia Probation 16 view any video related to this investigation? 17 and Parole Office are? 17 18 MR. ZURBRIGGEN: Same objection. 18 Q. Okay. So what information did you ask 19 19 Probation Officer Shannon for related to this But Detective, you can answer. 2.0 2.0 THE WITNESS: I don't know what investigation? 21 21 A. We would ask for an address, possibly a their procedures -- I can only assume. I 22 don't know what their actual procedures are. 22 phone number. 23 BY MR. WEST: 23 Q. Okay. 24 24 A. I don't remember independently asking. Q. Okay. Do you have any knowledge whether

Page 18 Page 20 1 1 Based on my experience, that is what I would whatever information I have. Which I did in 2 2 usually ask. this case. 3 3 BY MR. WEST: Q. Okay. And when you ask a probation 4 officer for a suspect's address, would you 4 Q. Uh-huh. The question I am asking you 5 5 normally also ask the probation officer how to right now, Detective Graf is, in order to enforce 6 6 access the address? How to enter the address? a warrant, does the SWAT Unit need to know how to 7 7 MR. ZURBRIGGEN: Objection to form. enter the residence described in the warrant? 8 8 Detective, if you know. MR. ZURBRIGGEN: Same objection. 9 THE WITNESS: I don't recall ever 9 Detective, to the extent you know. 10 10 asking that of a probation officer. In this THE WITNESS: Well, they would make 11 11 case the probation officer had never been that determination. I mean, we are going to 12 12 there. give them the information we have. And in 13 BY MR. WEST: 13 this case they went through the front door. 14 Q. Okay. 14 BY MR. WEST: 15 15 A. At least that's what I was told. Q. Okay. So --16 Q. So why were you gathering this 16 A. I had no knowledge that there was a rear 17 17 information? For what purpose? entry to this property. 18 MR. ZURBRIGGEN: Object to the form. 18 Q. Okay. And you simply didn't know there 19 But Detective, if you understand. 19 was a rear door, correct? 20 THE WITNESS: Well, we were 20 A. Well, I didn't know there was a rear 21 21 eventually going to serve a warrant at the door. But there's a rear door that leads to the 22 22 second floor on the first floor. The property had property. And he is also a suspect in a 23 23 homicide. So we were going to talk -- if a front door with two mailboxes. In my 24 the person is on probation or parole, we 24 experience, almost always if there is a second Page 19 Page 21 would usually speak to the person who was 1 floor apartment, you make the entry through the 2 2 front door. There's usually a door that leads to supervising. I mean, there's other things 3 that we did here also. 3 the first floor apartment and stairs that go to 4 BY MR. WEST: 4 the second floor. 5 5 Q. Was it your job to gather information to I have never -- in my recollection, I 6 6 give to the SWAT Unit so that they would know how never encountered going in through the rear of the 7 7 to enter Mr. residence to enforce the property like that. 8 8 warrant? Q. I understand. But for the building 9 A. SWAT usually does their own located at 4664 Torresdale Avenue, you didn't know 10 10 reconnaissance of a property. If we do know, you that there was a rear door, correct? 11 11 know, sometimes it's an apartment building or A. I didn't know until the day of the 12 12 something like that. But I give them as much warrant. 13 13 information as I have. Q. Until after --14 14 Q. Okay. So in order to determine how to --A. The warrant was served. 15 15 strike the question. I will lay a foundation. Q. After the warrant was served, that is 16 In order to enforce a warrant, is it true 16 when you first learned there was a rear door, 17 that the SWAT Unit would need to know how to enter 17 correct? 18 the residence? 18 A. Correct. 19 19 MR. ZURBRIGGEN: Object to the form. Q. Okay. Did you know that -- okay. Strike 2.0 2.0 Detective, if you can say. the question. 21 21 THE WITNESS: I mean, how? They So 4664 Torresdale Avenue, you knew there 22 22 will determine how they will enter a was a door on Torresdale Avenue; is that correct? 23 23 residence. They are the ones that are A. Correct. 24 making the entry. I will provide them with Q. Did you know whether or not there was

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Page 22 Page 24 1 1 also an alleyway leading to the property? Graf, did the search warrant in this case permit 2 2 MR. ZURBRIGGEN: Object to the form. the police officers, members of the SWAT unit, 3 3 anyone else related to the Philadelphia Police Detective, if you understand. 4 THE WITNESS: No. 4 Department, to enter the entire building at 4664 5 BY MR. WEST: 5 Torresdale Avenue or only a portion thereof? 6 6 Q. You didn't know that, correct? MR. ZURBRIGGEN: Same objection. 7 7 A. I mean, I didn't check the alleyway --But Detective, you can answer. 8 8 MR. ZURBRIGGEN: Same --THE WITNESS: Well, it gives 9 THE WITNESS: -- but I didn't. 9 permission to enter the building. And then 10 10 MR. ZURBRIGGEN: Same objection. go to the specific, you know, apartment or 11 11 BY MR. WEST: whatever that was outlined in the warrant. 12 12 BY MR. WEST: Q. So in your years of experience with the 13 13 Philadelphia Police Department, have you ever Q. Right. 14 received any training as far as how warrants 14 A. I mean --15 15 should be enforced at multi-residence properties? Q. And under that warrant, were the officers 16 MR. ZURBRIGGEN: Object to the form. 16 allowed to enter other apartments that happened to 17 17 But Detective, if you know, you can say. be in the same building? 18 THE WITNESS: Not to my 18 MR. ZURBRIGGEN: Same objection. 19 recollection. 19 But Detective, you can answer. 20 BY MR. WEST: 20 THE WITNESS: No. 21 21 BY MR. WEST: Q. Okay. And to make sure you understand 22 the point of the question -- well, let me ask this 22 Q. Okay. So as the Philadelphia Police 23 23 Department, including its SWAT Unit, were planning question. 2.4 So was the warrant -- this is a new 24 this operation, was there any training that was Page 23 Page 25 1 1 made available by the police department that would question. 2 2 help the officers to make sure that they were Was the warrant at issue in this 3 operation valid for the entire building at 4664 3 planning this operation in such a way that they 4 4 Torresdale Avenue or for only a portion thereof? wouldn't enter the wrong apartment? 5 MR. ZURBRIGGEN: Object to the form. 5 MR. ZURBRIGGEN: Object to the form. 6 6 Detective, you can answer, if you can. Detective, you can answer. 7 7 THE WITNESS: So in a warrant where THE WITNESS: I don't recall ever 8 8 there is apartments, we are going to try to any training in what you're --9 9 BY MR. WEST: be as specific as possible. So various 10 10 things -- like, I believe Mr. driver's Q. Okay. 11 11 license was just for that residence. And A. But SWAT has different training. I 12 12 don't -- I think a lot of what SWAT does is based then he had a prison release that was for 13 13 upon -- I don't want to speak for them. They are the second floor. 14 14 The most specific information we had going to go -- we are going to provide the address 15 15 was from the probation officer that it was that we are going to go to. They will verify that 16 16 second floor rear. So my recollection is we have that information. 17 17 that the search warrant was for second floor You know, they will check our warrants 18 18 prior to going. How they make their entry, I rear. 19 19 BY MR. WEST: don't -- you know, they have to do it the most 20 2.0 Q. Okay. So if the search warrant safe way. I don't know what the training they 21 21 specifically said Apartment 2, second floor rear, 22 22 would that -- actually, strike the question. Let Q. Okay. And if there were multiple doors 23 23 that entered into the 4664 Torresdale Avenue me lay a foundation. 24 24 property, was it exclusively the responsibility of So based on what you just said, Detective

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Page 26 Page 28 1 1 the SWAT Unit to decide which door to enter MR. ZURBRIGGEN: Objection. But 2 2 through or did you play some role in making that Detective? 3 3 decision? THE WITNESS: I don't know who. I 4 MR. ZURBRIGGEN: Objection to form. 4 don't know a name. 5 BY MR. WEST: Detective, if you know. 6 THE WITNESS: Usually the SWAT 6 Q. All right. So I will read from the determines how they will make their entry, 7 bottom of Defense 70. This is the second to last 8 8 because they are the ones going in. page from the packet marked as Graf-1. 9 9 BY MR. WEST: The question was asked, at least 10 10 Q. Okay. I can just represent to you that according to this, "Was there any discussion about 11 many of the SWAT Unit members that we have deposed 11 how to access the second floor rear apartment of 12 12 in this case said that that was your 4664 Torresdale Avenue at any time?" 13 13 responsibility. Is there any -- is there any Answer, "The SWAT officers asked if I 14 truth to that, in your experience? 14 knew the layout of the property. I told them I 15 MR. ZURBRIGGEN: Object to the 15 did not know the interior layout." 16 representation of testimony. But Detective, 16 Looking at that, do you believe that this 17 17 you can answer. correctly states what you told the officer when 18 THE WITNESS: Well, if I'm going 18 you gave this statement -- when you told the 19 with SWAT, I am going to provide them all of 19 detective when you gave this statement? 20 the information that I have. Now, if I know 20 MR. ZURBRIGGEN: Object to the form. 21 21 that there's a specific -- if I did know But Detective, to the best of your 22 there was a specific way to enter a 22 recollection. 23 23 property, then I will provide that to them. MR. WEST: Yeah, I will reask the 24 But ultimately, they are the ones that go in 24 question. Page 27 Page 29 1 BY MR. WEST: first. So they are going to make the 2 2 determination of how they go in. We wait Q. So looking at this now, do you believe 3 while they make their entry. 3 that this statement correctly memorializes what 4 BY MR. WEST: 4 you told the detective when you gave this 5 5 Q. Were you present at the staging area statement to internal affairs? 6 6 prior to the execution of the warrant? A. This is what -- what I said here is what 7 7 A. Yes. I said to --8 8 Q. Was there a briefing given by the SWAT O. Yes. 9 9 Unit prior to this operation? A. -- at the interview? 10 10 A. We usually meet with the SWAT supervisor. Q. Yes. 11 11 I know that I did speak to someone from SWAT. A. Yes. 12 12 They verified the warrant. I believe there was a Q. Okay. And then just reading on was 13 13 question about the interior layout, which we had there -- question, "Was there any discussion about 14 14 no knowledge of. how to access the second floor rear apartment of 15 15 Q. Okay. Who raised the question about the 4664 Torresdale Avenue at any time?" Answer, 16 16 "Just what I stated about the interior layout." interior layout? 17 A. I believe SWAT asked that question. I 17 That's accurate? 18 don't know who it was. I don't know the 18 A. Yes. 19 19 specifics. It's usually a supervisor that we Q. All right. So at the staging area, 2.0 2.0 speak to. Sometimes it's hard to tell who the members of the SWAT Unit stated prior to the 21 21 enforcement action, that they didn't know what the supervisor is, because they are all dressed in 22 22 tactical uniforms. interior of the property is; is that correct? 23 23 Q. Okay. And do you recall specifically who A. We would have no way of knowing what the 24 24 interior is. raised that question?

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	Page 30		Page 32
1	Q. But Detective, if you can answer the	1	Q. Did the suspect, Mr. have a cell
2	question I asked.	2	phone?
3	A. I only spoke to one person.	3	A. When?
4	Q. Okay.	4	Q. At any point, to your knowledge.
5	A. And if they are asking me that question,	5	A. He's still at large. So I don't
6	I am assuming that they don't know the interior	6	when I don't when did he possess a cell
7	layout, if they are asking me.	7	phone or?
8	Q. Okay. And normally, would you speak with	8	Q. All right. I will ask a different
9	the supervisor or a different member of the SWAT?	9	question.
10	A. Usually it's a supervisor.	10	At the time that you were gathering
11	Q. Okay. I believe I can represent to you	11	information related to the warrant to enter Mr.
12	that so far all of the testimony we have had in	12	believed residence, did you investigate
13	this case, the supervisors were Lieutenant Monk	13	whether or not Mr. had a cell phone?
14	and Sergeant Mellody. Do you know does that	14	A. I'm sure I did. But I don't recall if he
15	refresh your recollection whether you might have	15	had a cell phone or if I had a cell phone number
16	spoke with Lieutenant Monk or Sergeant Mellody or	16	for him.
17	someone else?	17	Q. You don't today recall making any effort
18	A. I don't it would have been we	18	to obtain information with regards to whether or
19	usually talk to the supervisor. I don't remember	19	not he had a cell phone; is that correct?
20	who it was.	20	MR. ZURBRIGGEN: Object to the form.
21	Q. Okay.	21	Detective, if you know.
22	A. Usually it's the sergeant, but sometimes	22	THE WITNESS: No. I mean, as part
23	it's the lieutenant. They always it's twofold.	23	of the investigative process I am going to
24	We will provide whatever information we have. But	24	try to attempt to see if he has a phone
	Page 31		
	rage Ji		Page 33
1		1	number I don't recall if we ever
1 2	they also want to verify their location that they	1 2	number. I don't recall if we ever
	they also want to verify their location that they are that we have the proper location that they		number. I don't recall if we ever accomplished that in this case.
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9 (Pages 30 to 33)

	Page 34		Page 36
1	surveillance of the residence located at 4664	1	previously been marked as Scott-4. We will mark
2	Torresdale Avenue?	2	this as Graf-2.
3	MR. ZURBRIGGEN: Objection to the	3	
4	form. Detective, if you understand.	4	(Whereupon, Exhibit Graf-2 was
5	THE WITNESS: No. Not to my	5	marked for identification.)
6	knowledge. No.	6	,
7	BY MR. WEST:	7	BY MR. WEST:
8	Q. Okay. Did you personally ever visit the	8	Q. If you could look at that document, sir.
9	property at 4664 Torresdale Avenue prior to	9	Is this is this a screen shot of the website
10	meeting at the staging area?	10	that you accessed or do you mean something else?
11	A. So we obtained this warrant late the day	11	A. So we have two ways to access. There's
12	prior. It was late in the evening. On my way	12	the general public way to access, but we also have
13	home, I did drive by the residence the	13	our own real estate data base. So I don't recall
14	residence.	14	which one we used.
15	Q. Was that at nighttime?	15	Q. Okay. I can represent to you this is
16	A. It could have been it was either	16	publicly available.
17	late I guess it was we served the warrant the	17	A. No. No. I'm saying we have two
18	4th, I believe. So the night we got the warrant,	18	different ways that we can use the public. We
19	it could have been late like 11:00 p.m'ish or it	19	have our own database too also, that is not public
20	could have been early morning the next day. But	20	through the police department, which basically
21	this was prior to the morning that we executed the	21	provides the same information. That is why I
22	warrant.	22	don't know if this is the one we used or the
23	Q. And you only drove by on Torresdale	23	one
24	Avenue, correct?	24	Q. Does the database that is available to
	Page 35		Page 37
1	Page 35 A. Correct.	1	Page 37 you and not public have additional information
1 2		1 2	
	A. Correct.		you and not public have additional information
2	A. Correct.Q. Did you ever look to Google Maps or any	2	you and not public have additional information beyond what is available to the public?
2	A. Correct.Q. Did you ever look to Google Maps or any other similar technology to try to find where the	2	you and not public have additional information beyond what is available to the public? A. I don't think it — if it does, it would
2 3 4	 A. Correct. Q. Did you ever look to Google Maps or any other similar technology to try to find where the property was physically located? A. Yes. Q. Okay. 	2 3 4	you and not public have additional information beyond what is available to the public? A. I don't think it — if it does, it would be minimal. Q. So this, as you can see here, lists the owner of the property. Did you attempt to contact
2 3 4 5	 A. Correct. Q. Did you ever look to Google Maps or any other similar technology to try to find where the property was physically located? A. Yes. Q. Okay. A. So the Google photo, my recollection it 	2 3 4 5	you and not public have additional information beyond what is available to the public? A. I don't think it — if it does, it would be minimal. Q. So this, as you can see here, lists the owner of the property. Did you attempt to contact the owner of the property and ask how the second
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Correct. Q. Did you ever look to Google Maps or any other similar technology to try to find where the property was physically located? A. Yes. Q. Okay. A. So the Google photo, my recollection it was from 2019, which is one of the reasons why I drove past to verify if it was still what the Google Maps photo depicted. Q. Okay. Did you use any other technology to try to find out physically what the property looked like? MR. ZURBRIGGEN: Object to the form. But Detective BY MR. WEST: Q. Besides Google Maps. A. I mean, other than a real estate check, I don't recall anything else. Q. Okay. When you say real estate check, what do you mean? A. We do a check on Philadelphia Real Estate	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	you and not public have additional information beyond what is available to the public? A. I don't think it — if it does, it would be minimal. Q. So this, as you can see here, lists the owner of the property. Did you attempt to contact the owner of the property and ask how the second floor rear apartment could be accessed? A. No. Q. In your normal practice, would you ever contact a property owner of a multi-residence property to ask how an apartment could be accessed in order to enforce a warrant? MR. ZURBRIGGEN: Object to the form. But Detective, you can say if you know. THE WITNESS: I mean, it has been done in a larger — like an apartment complex we may. Sometimes that is just to obtain like keys, you know, if it's, you know, you know, like they have their own special codes or whatever to enter the property.

10 (Pages 34 to 37)

Page 38 Page 40 1 1 reasons why. Because we don't know what the A. Yes. 2 2 relationship is of the owner with the Q. Are these the Google Map pictures that 3 3 tenant. We don't want them to tip them off. you got or are these different? 4 BY MR. WEST: 4 A. That's hard to tell. 5 5 Q. To your knowledge, does the City of Q. Okay. And I have to tell you, the 6 6 Philadelphia have any policy or procedure about quality of the picture that says target is not 7 7 whether property managers or property owners very good. But this is one that was produced to 8 8 should be contacted when you're preparing to us. Besides these types of pictures, so one that 9 enforce a warrant at a multi-residence property 9 is an outside view from Torresdale Avenue and an 10 10 and don't know the physical layout of the overview map, were there any other kinds of Google 11 11 property? Map pictures that you got related to this 12 12 MR. ZURBRIGGEN: Object to the form. investigation? 13 13 Detective, if you know. MR. ZURBRIGGEN: Object to the form. 14 THE WITNESS: I have no knowledge of 14 Detective, if you know. 15 15 THE WITNESS: I don't remember. that. 16 MR. WEST: Okay. If you guys would 16 BY MR. WEST: 17 17 give me a moment. I have a document that I Q. Nothing that you can recall, correct? 18 need to provide you -- let's go off the 18 A. Right. 19 record for a second -- that I can't seem to 19 Q. All right. Let's mark this as Graf-4. 20 find here. 20 21 21 THE VIDEO OPERATOR: Going off the (Whereupon, Exhibit Graf-4 was 22 record at 10:50 a.m. 22 marked for identification.) 23 23 2.4 24 BY MR. WEST: (Whereupon, a brief recess was Page 39 Page 41 1 Q. Do you know what this is -- do you know taken.) 2 2 what this is? 3 THE VIDEO OPERATOR: We are going 3 A. It looks like it's an overview of the 4 4 back on the record at 10:53 a.m. area of the target residence. 5 5 Q. Okay. It looks like Google Maps overview 6 6 (Whereupon, Exhibit Graf-3 was photograph of 4664 Torresdale Avenue; is that 7 7 marked for identification.) correct? 8 8 A. I mean, not specifically just 46. I 9 9 BY MR. WEST: mean, it's an area here. Half the block. 10 10 Q. All right, sir. So I have handed you a Q. Okay. As of June 2021, when you're doing 11 11 packet of documents marked as Graf-3. If you take investigations for warrant enforcement actions, 12 12 would you normally get a Google Maps overview a moment to review those. And then let me know 13 13 when you have had a chance to look at them. picture like this? 14 14 A. Okay. A. I don't recall doing an overview of --15 15 Q. All right. Detective Graf, could you for this specific case. 16 tell us what these documents are, if you know? 16 Q. Okay. Is that something that you would 17 A. I've never seen one before. But it 17 have normally done back then? 18 states that it is a SWAT Unit recon sheet. 18 A. I don't recall ever doing the overview. 19 19 Q. Okay. But this is not something you I don't want to say that I didn't for a warrant. 2.0 20 would normally see? Q. Did you ever receive any training from 21 21 A. No. I never seen this before. the Philadelphia Police Department with regards to 22 22 Q. Okay. So if we look in a couple of what the policies and procedures of the 23 23 pages, we have a map and a photograph that says Philadelphia Police Department were in conducting 24 24 target on it, right? an investigation preparatory to a warrant

11 (Pages 38 to 41)

	Page 42		Page 44
1	enforcement action at a private residence?	1	MR. ZURBRIGGEN: Object to the form.
2	MR. ZURBRIGGEN: Object to the form.	2	Detective, if you know.
3	But Detective, if you know.	3	THE WITNESS: I don't know that that
4	THE WITNESS: I don't remember	4	is a specific policy.
5	specific training. But we do have policies	5	BY MR. WEST:
6	in obtaining a warrant.	6	Q. Are you supposed to learn how many
7	BY MR. WEST:	7	streets have entrances to the property?
8	Q. Okay. Did any of those policies, to your	8	MR. ZURBRIGGEN: Same objection.
9	personal knowledge, involve obtaining information	9	But Detective, if you know.
10	with regards to the physical layout of a	10	THE WITNESS: I don't know that to
11	residential property before an enforcement action?	11	be a specific policy.
12	MR. ZURBRIGGEN: Object to the form.	12	BY MR. WEST:
13	Detective, you can answer.	13	Q. Okay. If you had seen this Google Maps
14	THE WITNESS: The interior are we	14	overview map, would that have led you to
15	talking about?	15	understand that the building had access, not only
16	BY MR. WEST:	16	on Torresdale Avenue, but also from an alleyway
17	Q. I'm asking the question generally.	17	off of Margaret Street?
18	Anything related to the physical location and	18	MR. ZURBRIGGEN: Object to form.
19	nature of a property.	19	Detective, to the extent you know.
20	MR. ZURBRIGGEN: Same objection.	20	THE WITNESS: Does it show me that?
21	But Detective, if you know.	21	Yes. But most buildings have access through
22	THE WITNESS: I don't recall	22	the rear.
23	specifically what's in our policies. But of	23	BY MR. WEST:
24	course we are going to want to know what we	24	Q. I am just asking with regards to this
	course we are going to want to know what we		Q. Tain just asking with regards to this
	Page 43		Page 45
1	are what the property is. I mean,	1	specific property, if you had looked at his
2	sometimes that is laid out even on the	2	specific map that we have marked as Graf-4, would
3	search warrant what it is, if it's a two	3	that have led you to understand that there was
4	story masonry home. Or we, you know, you	4	rear access to this building from an alleyway off
5	try to make a physical check. But when I	5	of Margaret Street?
6	became a detective we didn't have Google	6	MR. ZURBRIGGEN: Same objection.
7	Maps either. So now we have an option to	7	THE WITNESS: Well, that's what this
8	actually look on Google Maps and see	8	depicts, yes.
9	properties.	9	BY MR. WEST:
10	BY MR. WEST:	10	Q. And you didn't know that prior to the
11	Q. But as of June 2021 Google Maps had	11	enforcement action, correct?
12	existed for many years, correct?	12	MR. ZURBRIGGEN: Same objection.
13	MR. ZURBRIGGEN: Object to form.	13	Detective, you can answer.
14	Detective, if you know.	14	THE WITNESS: I didn't know what the
15	THE WITNESS: I am sure it has, was,	15	access was to the rear of this property.
16	did. I do remember that the photo from	16	But again, most properties have access to
17	Google Maps, though, was from 2019, if I am	17	the rear and doors in the rear, most.
18	not mistaken.	18	BY MR. WEST:
	BY MR. WEST:	19	Q. All right. All right, sir. I will mark
19			some documents as Graf-5.
20	Q. Okay. Pursuant to the policies of the	20	some documents as Grar-3.
20 21	Q. Okay. Pursuant to the policies of the City of Philadelphia Police Department, when	21	
20 21 22	Q. Okay. Pursuant to the policies of the City of Philadelphia Police Department, when you're trying to obtain information about a	21 22	(Whereupon, Exhibit Graf-5 was
20 21 22 23	Q. Okay. Pursuant to the policies of the City of Philadelphia Police Department, when you're trying to obtain information about a residential property, are you supposed to figure	21 22 23	
20 21 22	Q. Okay. Pursuant to the policies of the City of Philadelphia Police Department, when you're trying to obtain information about a	21 22	(Whereupon, Exhibit Graf-5 was

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Page 46 Page 48 1 BY MR. WEST: 1 had never been there. I don't have access 2 2 Q. Sir, so these documents are titled home to the information that she has. I spoke to 3 3 investigation interview. And I can represent to the person who was the supervisor, who said 4 you that these were produced to us by a woman 4 she had never been to his residence, did not 5 5 named Jaclyn Matteo-Hand who works for the supply this information. 6 6 Philadelphia Probation and Parole Office. BY MR. WEST: 7 Have you ever spoken with Jaclyn Q. However, you did not specifically ask if 8 Matteo-Hand? 8 there had been an inspection of this property 9 9 A. No. correct? 10 10 Q. So a portion of this is highlighted, MR. ZURBRIGGEN: Objection as asked 11 11 actually was highlighted during her deposition. and answered and to the form. Detective, 12 12 And can you see that it says the address rear you can answer again. 13 13 apartment and then it actually specifically says THE WITNESS: I asked her, yes. 14 you have to go up the alleyway to knock on the 14 Because she gave the answer that she hadn't 15 15 door. Do you see that? been there. 16 A. Yes. 16 MR. WEST: I believe that 17 17 Q. If you had known that when the Probation contradicts your prior testimony. If you 18 and Parole Office had conducted an investigation 18 can mark this as Graf-6. 19 apartment they had learned that the 19 MR. ZURBRIGGEN: And objection on 20 access was through the alleyway, and if you had 20 the record to the characterization of the 21 21 seen this Google Map overview that we have marked the Detective's testimony. 22 as Graf-4, would that have led you to understand 22 23 23 that the proper entrance point to Mr. (Whereupon, Exhibit Graf-6 was 24 apartment was through the alleyway off Margaret 24 marked for identification.) Page 47 Page 49 1 1 Street? 2 2 BY MR. WEST: MR. ZURBRIGGEN: Object to the form 3 of the question. Detective, if you 3 Q. Do you know what these records are? Is 4 4 understand and you know, you can answer. this something that you recognize? 5 5 THE WITNESS: So if I had access to A. No. I don't recognize this. 6 6 Google Maps and this information? Q. If the Philadelphia Police Department is 7 7 BY MR. WEST: trying to enforce -- strike the question. 8 8 Q. Yes. If the Philadelphia Police Department is 9 9 A. Yes. planning to enforce a warrant at the residence of 10 10 Q. Okay. So if you had access to Google a person who is under probation or parole, in your 11 11 Maps and had spoken with the probation officer, experience, will the Philadelphia Police 12 12 you would have known how to do the job correctly? Department normally coordinate with the probation 13 13 A. I did speak to his probation officer. and parole officer to try to learn as much 14 14 MR. ZURBRIGGEN: Objection to the information as possible about the suspect's 15 15 form. physical residence? 16 16 THE WITNESS: I spoke to the MR. ZURBRIGGEN: Objection to the 17 17 supervising probation officer who did not form of the question. Detective, if you 18 supply this information to me. 18 understand, you can answer. 19 19 BY MR. WEST: THE WITNESS: Can you be more 2.0 20 Q. Nor did you ask her if they had conducted specific? 21 an investigation of the property, correct? 21 BY MR. WEST: 22 22 MR. ZURBRIGGEN: Same objection. Q. Sure. To your knowledge, does the 23 23 Philadelphia Police Department have any policy Detective, you can answer. 24 24 THE WITNESS: I did. She said she with regards to whether a detective should contact

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Page 50 Page 52 1 a suspect's probation officer to learn all of the 1 A. I believe it's -- my understanding is 2 2 information available about a probation officer's it's the policy of the probation department now. 3 3 physical residence if the suspect is on probation? Q. What is your understanding of the policy? 4 MR. ZURBRIGGEN: Objection to the 4 A. I mean, when I first -- I don't know 5 5 form of the question. Detective, you can their policy. Like when I first started as a 6 6 answer, if you can. detective, you know, we -- the probation officer 7 THE WITNESS: I don't know if would come in, you know, if we had video or 8 8 there's a policy on that. In my experience, whatever it is and try to make an identification. 9 9 that is what I do, which I did do in this That is not always the case now. I think it all 10 10 case, I contacted his probation officer. depends upon who that probation officer's 11 11 BY MR. WEST: supervisor is. I don't know what the direct 12 12 Q. Okay. But to your knowledge -policy of the probation department is, though. 13 13 A. Do we coordinate with them, no. They are a completely different independent 14 Q. Okay. Is there any particular reason, to 14 organization. 15 15 your knowledge, that the City of Philadelphia Q. When you reached out to Probation Officer 16 Police Department wouldn't coordinate with the 16 Shannon with regards to the warrant for 17 17 suspect's probation officer or parole officer? was she non-cooperative in any way? 18 MR. ZURBRIGGEN: Object to the form. 18 MR. ZURBRIGGEN: Object to the form. 19 Detective, you can answer, if you can. 19 But Detective, you can answer? 20 THE WITNESS: I don't know why we 20 THE WITNESS: I don't recall her 21 21 don't have that policy. But as time has being non-cooperative. 22 gone on, probation is less cooperative with 22 BY MR. WEST: 23 23 the police department with the information Q. Was there any question that you asked her 24 that they provide. 24 to which she refused to give you an answer? Page 51 Page 53 1 BY MR. WEST: 1 MR. ZURBRIGGEN: Same objection. 2 2 Q. Have you ever received any guidance from Detective? 3 anybody at the Philadelphia Police Department 3 THE WITNESS: I don't recall that. 4 4 whether it's an official policy or procedure or a BY MR. WEST: 5 5 custom or something you have been told by anyone, Q. You don't recall anything like that at 6 6 that you shouldn't coordinate with the Probation this time, correct? 7 7 and Parole Office? A. I don't recall whether that occurred or 8 8 MR. ZURBRIGGEN: Objection to the not. I don't remember the specific conversation 9 9 form of the question. Detective, if you word for word, verbatim. 10 10 understand, you can answer. Q. If you asked a homicide suspect's 11 11 THE WITNESS: So have I been told probation officer for information about how to 12 not to --12 capture the homicide suspect and the probation 13 13 MR. WEST: Yes. officer refused to cooperate, would you contact 14 14 THE WITNESS: -- coordinate? Not that probation officer's supervisor? 15 that I -- not that I recall. 15 MR. ZURBRIGGEN: Object to the form 16 BY MR. WEST: 16 of the question. Detective, you can answer. 17 Q. Okay. I think you said that sometimes 17 THE WITNESS: I -- that would be --18 the Probation and Parole Office is not 18 I would make a decision at that time. 19 19 BY MR. WEST: cooperative; is that correct? 2.0 2.0 A. I wouldn't say not cooperative. The Q. Did you --21 21 information that they provide has decreased over A. It depends on what non-cooperative is. I 22 22 mean, I already knew where he lived. I was just 23 23 Q. Do you have -- can you elaborate on what looking for some basic, you know, more insight. 24 24 you mean by that? Q. Did you have any reason to contact

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Page 54 Page 56 1 Probation Officer Shannon's supervisor? 1 THE WITNESS: Can you ask the 2 2 MR. ZURBRIGGEN: Object to the form. question again? 3 3 Detective, if you know. BY MR. WEST: 4 THE WITNESS: No. She gave me the 4 Q. Sure. Prior to June 4th, 2021, if you 5 5 information that she had. She never met him had known that the probation office had previously 6 6 and she had never been to his house of determined that the entrance to the second floor 7 7 record. rear apartment at 4664 Torresdale Avenue was 8 8 BY MR. WEST: through the rear entrance off Margaret Street, 9 Q. All right. So the document I already 9 would that have affected in any way any guidance 10 10 handed you, this is Graf-6, correct? Sir, I can that you gave to the SWAT Unit as far as how the 11 11 represent to you that this is the client file warrant with regards to Mr. should be 12 12 notes that was in the possession of the Probation enforced? 13 13 and Parole Office. We have deposed Parole MR. ZURBRIGGEN: Objection to the 14 Officer Shannon in this case, that is why this is 14 form of the question and as asked and 15 15 marked as Shannon-1. answered. Detective, go ahead. 16 If you can turn to page 21, you will find 16 THE WITNESS: Well, yes. If I had 17 17 an area that is highlighted in a prior deposition. been provided this information, I would have 18 Do you see that area? I am not trying to rush 18 supplied that information to SWAT. 19 you. When you get a chance. 19 MR. WEST: Let's mark Graf-7. 20 A. I got it. I have it. 20 21 21 Q. All right. So if you look at the (Whereupon, Exhibit Graf-7 was 22 highlighted area it says April 26th, 2019, 22 marked for identification.) 23 23 correct? 4/26/2019? 2.4 A. Yes. 24 BY MR. WEST: Page 55 Page 57 1 1 Q. So sir, we have a document here. It's Q. All right. And this memorializes that 2 2 the probation office -- Parole and Probation marked Scott-3 from a prior deposition. If you 3 Office went to the second floor rear apartment at 3 had had this information from the Probation and 4 4 4664 Torresdale Avenue and determined that the Parole Office and if you had seen this Google Map, 5 5 would you have instructed the SWAT Unit to enforce entrance to Mr. apartment was rear entrance 6 6 the warrant for Mr. through the rear alleyway off Margaret Street, correct? 7 7 MR. ZURBRIGGEN: Objection to the entrance as indicated by the pink highlighting on 8 8 this picture? form of the question. Detective, to the 9 9 extent you know. MR. ZURBRIGGEN: Objection to the 10 10 THE WITNESS: That would -- this is form of the question. Objection as asked 11 11 what it says? and answered. Detective, go ahead and 12 BY MR. WEST: 12 answer. 13 13 THE WITNESS: If I had -- if I had Q. Is that -- yeah. 14 14 A. Yes. That is what it says. the information, I wouldn't tell them how to 15 15 Q. All right. And I can represent to you enforce the warrant, but I would give them 16 16 the information as to how to make the best that this was provided to us by Ms. Shannon when 17 we deposed her, we asked her, if you had asked her 17 entry to the house, yes. 18 how to get to Mr. apartment, you could --18 BY MR. WEST: 19 19 she would have been able to answer that question. Q. Okay. Would that have been consistent 2.0 2.0 And she pointed at this and said yes, she had with the path through the rear alleyway as shown 21 21 these records. Did you know that prior to now? by the pink highlighting? 22 22 MR. ZURBRIGGEN: Objection to the A. I mean, that's one way, yes. 23 23 Q. Okay. But would you -- would you still relevance and to the characterization of the 24 24 consider it appropriate to enter through the front testimony. Detective, you can answer.

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Page 58 Page 60 1 1 of the building -did the front door to the 4664 Torresdale Avenue 2 2 MR. ZURBRIGGEN: Same -- same set of lead into a portion of the property that was two 3 3 objections for the record. Detective? stories tall or one story? 4 THE WITNESS: No. If I had been 4 MR. ZURBRIGGEN: Object to the form. 5 5 provided the information by probation, I Detective, if you know, you can answer. 6 6 would have supplied that information to THE WITNESS: I didn't go through 7 7 SWAT. the front door. 8 8 BY MR. WEST: BY MR. WEST: 9 Q. All right. And would it have been your 9 Q. But my question is, you did view the 10 10 understanding that if you had had this information front of the building, correct? 11 11 from the Probation and Parole Office and you had A. Yes. 12 12 this Google Map, that the only proper entrance Q. And so when you viewed the building in 13 13 point to enforce this warrant would have been your personal observation, did the door off 14 through the rear entrance of 4664 Torresdale 14 Torresdale Avenue lead into a portion of the 15 15 Avenue? building that was one story tall or two stories 16 MR. ZURBRIGGEN: Objection to the 16 tall? 17 17 form of the question, particularly with MR. ZURBRIGGEN: Same objection. 18 regards to proper. But Detective, to the 18 But Detective, if you know. 19 extent you can answer, answer. 19 THE WITNESS: It looked like it was 20 THE WITNESS: One more time. 20 built out one floor. 21 21 BY MR. WEST: BY MR. WEST: 22 Q. Sure. If you had had this information 22 Q. Okay. So you could see in your own 23 23 from the Probation and Parole Office and you had observation that the front door on the Torresdale 24 the Google Map overview of the building -- of the 24 Avenue side led into a portion of the building Page 59 Page 61 1 1 property, would you have understood that the only that was only one story tall, correct? 2 2 legal way to enforce the warrant for Mr. MR. ZURBRIGGEN: Same objection to 3 residence was to enter through the rear entrance 3 the record. 4 4 through the alleyway off Margaret Street? THE WITNESS: It appeared that way, 5 MR. ZURBRIGGEN: Same objection 5 ves. 6 6 particularly as to legal. Detective, you BY MR. WEST: 7 7 can answer. Q. Okay. Did it occur to you that that door 8 8 THE WITNESS: Yeah. I am not sure might lead into a first floor apartment? 9 9 about the legal. But I would have MR. ZURBRIGGEN: Objection to the 10 10 instructed SWAT that the information we had form. Detective, if you understand you can 11 11 from Probation and Parole would be to go answer. 12 12 THE WITNESS: The information I had, through the rear. 13 13 BY MR. WEST: it appeared to me based on my experience, 14 14 Q. Okay. that there was one front door with two 15 15 A. If I had that information. mailboxes, which would indicate there's two 16 16 Q. To your knowledge, did anyone conduct any apartments that have access to that door. 17 physical surveillance of the 4664 Torresdale 17 Which traditionally in almost every 18 building prior to the enforcement action? 18 warrant -- I don't want to say every, but 19 19 MR. ZURBRIGGEN: Object as asked and almost every warrant we have ever done, it's 20 2.0 answered. Detective, you can answer. one doorway with usually like a hallway that 21 21 THE WITNESS: To my knowledge, no. goes upstairs and a first floor apartment 22 22 I did not. access. 23 BY MR. WEST: 23 I've never seen it the way this 24 24 house was designed. You have two mailboxes Q. Sir, based on your personal observation,

16 (Pages 58 to 61)

	Page 62		Page 64
1	with one door.	1	investigation prior to the enforcement action at
2	BY MR. WEST:	2	4664 Torresdale Avenue?
3	Q. So did you have any other information	3	A. In the six hours or seven hours we had
4	available to you besides what you just said that	4	the warrant, no.
5	would have told you what was behind the Torresdale	5	Q. So what is all the information that you
6	Avenue door?	6	provided to the SWAT Unit with regards to how they
7	MR. ZURBRIGGEN: Object to the form	7	should enforce this warrant enforcement action
8	of the question. Detective, you can answer.	8	strike the question.
9	THE WITNESS: I have no way of	9	What is all of the information that you
10	knowing what is behind that door.	10	provided to the SWAT Unit with regards to the
11	BY MR. WEST:	11	warrant to apprehend Mr.
12	Q. Okay. If you had heard a dog barking on	12	MR. ZURBRIGGEN: Objection to form.
13	the other side of that door, would that have led	13	Detective, to the extent that you recall.
14	you to believe that someone was living in that	14	THE WITNESS: I am not sure exactly
15	portion of the building?	15	what you're asking. But we provided the
16	MR. ZURBRIGGEN: Objection to form.	16	address.
17	THE WITNESS: That is too hard to	17	BY MR. WEST:
18	determine.	18	Q. Right. And you specifically informed the
19	BY MR. WEST:	19	SWAT Unit that the address was the second floor
20	Q. Is that information that would have	20	rear apartment, correct?
21	informed your understanding at all?	21	MR. ZURBRIGGEN: Objection.
22	MR. ZURBRIGGEN: Same objection.	22	Objection as asked and answered. Go ahead
23	THE WITNESS: That doesn't say	23	and answer.
24	anything. That says there is a dog behind	24	THE WITNESS: We had three different
	Dage 63		Dage 65
1	Page 63	,	Page 65
1	the door.	1	addresses that I recall for Mr
2	the door. BY MR. WEST:	2	addresses that I recall for Mr
2	the door. BY MR. WEST: Q. Are you familiar with Philadelphia Police	2	addresses that I recall for Mr
2 3 4	the door. BY MR. WEST: Q. Are you familiar with Philadelphia Police Department directive 5.7?	2 3 4	addresses that I recall for Mr
2	the door. BY MR. WEST: Q. Are you familiar with Philadelphia Police Department directive 5.7? MR. ZURBRIGGEN: Objection.	2 3 4 5	addresses that I recall for Mr
2 3 4 5	the door. BY MR. WEST: Q. Are you familiar with Philadelphia Police Department directive 5.7? MR. ZURBRIGGEN: Objection. Detective, if you know.	2 3 4 5 6	addresses that I recall for Mr His identification from the state was just listing that address on Torresdale Avenue. His prison release was for that address second floor. The only information we had, the
2 3 4 5 6	the door. BY MR. WEST: Q. Are you familiar with Philadelphia Police Department directive 5.7? MR. ZURBRIGGEN: Objection. Detective, if you know. THE WITNESS: Which directive is	2 3 4 5	addresses that I recall for Mr
2 3 4 5 6 7	the door. BY MR. WEST: Q. Are you familiar with Philadelphia Police Department directive 5.7? MR. ZURBRIGGEN: Objection. Detective, if you know. THE WITNESS: Which directive is that?	2 3 4 5 6 7	addresses that I recall for Mr
2 3 4 5 6 7 8	the door. BY MR. WEST: Q. Are you familiar with Philadelphia Police Department directive 5.7? MR. ZURBRIGGEN: Objection. Detective, if you know. THE WITNESS: Which directive is that? BY MR. WEST:	2 3 4 5 6 7 8	addresses that I recall for Mr. His identification from the state was just listing that address on Torresdale Avenue. His prison release was for that address second floor. The only information we had, the second floor rear, was from probation. So that was the address that we used, because that was the most specific address. But his
2 3 4 5 6 7 8	the door. BY MR. WEST: Q. Are you familiar with Philadelphia Police Department directive 5.7? MR. ZURBRIGGEN: Objection. Detective, if you know. THE WITNESS: Which directive is that? BY MR. WEST: Q. I am asking like if I just say that	2 3 4 5 6 7 8	addresses that I recall for Mr. His identification from the state was just listing that address on Torresdale Avenue. His prison release was for that address second floor. The only information we had, the second floor rear, was from probation. So that was the address that we used, because that was the most specific address. But his ID doesn't indicate to my recollection,
2 3 4 5 6 7 8 9	the door. BY MR. WEST: Q. Are you familiar with Philadelphia Police Department directive 5.7? MR. ZURBRIGGEN: Objection. Detective, if you know. THE WITNESS: Which directive is that? BY MR. WEST:	2 3 4 5 6 7 8 9	addresses that I recall for Mr. His identification from the state was just listing that address on Torresdale Avenue. His prison release was for that address second floor. The only information we had, the second floor rear, was from probation. So that was the address that we used, because that was the most specific address. But his
2 3 4 5 6 7 8 9 10	the door. BY MR. WEST: Q. Are you familiar with Philadelphia Police Department directive 5.7? MR. ZURBRIGGEN: Objection. Detective, if you know. THE WITNESS: Which directive is that? BY MR. WEST: Q. I am asking like if I just say that number, do you know what that is?	2 3 4 5 6 7 8 9 10	addresses that I recall for Mr. His identification from the state was just listing that address on Torresdale Avenue. His prison release was for that address second floor. The only information we had, the second floor rear, was from probation. So that was the address that we used, because that was the most specific address. But his ID doesn't indicate to my recollection, did not indicate any apartment, just that address.
2 3 4 5 6 7 8 9 10 11	the door. BY MR. WEST: Q. Are you familiar with Philadelphia Police Department directive 5.7? MR. ZURBRIGGEN: Objection. Detective, if you know. THE WITNESS: Which directive is that? BY MR. WEST: Q. I am asking like if I just say that number, do you know what that is? A. No. They have actually changed from	2 3 4 5 6 7 8 9 10 11	addresses that I recall for Mr. identification from the state was just listing that address on Torresdale Avenue. His prison release was for that address second floor. The only information we had, the second floor rear, was from probation. So that was the address that we used, because that was the most specific address. But his ID doesn't indicate — to my recollection, did not indicate any apartment, just that
2 3 4 5 6 7 8 9 10 11 12 13	the door. BY MR. WEST: Q. Are you familiar with Philadelphia Police Department directive 5.7? MR. ZURBRIGGEN: Objection. Detective, if you know. THE WITNESS: Which directive is that? BY MR. WEST: Q. I am asking like if I just say that number, do you know what that is? A. No. They have actually changed from —there were directives that were all numbered and	2 3 4 5 6 7 8 9 10 11 12 13	addresses that I recall for Mr. His identification from the state was just listing that address on Torresdale Avenue. His prison release was for that address second floor. The only information we had, the second floor rear, was from probation. So that was the address that we used, because that was the most specific address. But his ID doesn't indicate to my recollection, did not indicate any apartment, just that address. MR. WEST: All right. Let's mark
2 3 4 5 6 7 8 9 10 11 12 13 14	the door. BY MR. WEST: Q. Are you familiar with Philadelphia Police Department directive 5.7? MR. ZURBRIGGEN: Objection. Detective, if you know. THE WITNESS: Which directive is that? BY MR. WEST: Q. I am asking like if I just say that number, do you know what that is? A. No. They have actually changed from — there were directives that were all numbered and now they are in this form, 5.7. If you told me	2 3 4 5 6 7 8 9 10 11 12 13 14	addresses that I recall for Mr. His identification from the state was just listing that address on Torresdale Avenue. His prison release was for that address second floor. The only information we had, the second floor rear, was from probation. So that was the address that we used, because that was the most specific address. But his ID doesn't indicate to my recollection, did not indicate any apartment, just that address. MR. WEST: All right. Let's mark
2 3 4 5 6 7 8 9 10 11 12 13 14 15	the door. BY MR. WEST: Q. Are you familiar with Philadelphia Police Department directive 5.7? MR. ZURBRIGGEN: Objection. Detective, if you know. THE WITNESS: Which directive is that? BY MR. WEST: Q. I am asking like if I just say that number, do you know what that is? A. No. They have actually changed from —there were directives that were all numbered and now they are in this form, 5.7. If you told me what it was, maybe I would be familiar with it.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	addresses that I recall for Mr. His identification from the state was just listing that address on Torresdale Avenue. His prison release was for that address second floor. The only information we had, the second floor rear, was from probation. So that was the address that we used, because that was the most specific address. But his ID doesn't indicate to my recollection, did not indicate any apartment, just that address. MR. WEST: All right. Let's mark this as Graf-8.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	the door. BY MR. WEST: Q. Are you familiar with Philadelphia Police Department directive 5.7? MR. ZURBRIGGEN: Objection. Detective, if you know. THE WITNESS: Which directive is that? BY MR. WEST: Q. I am asking like if I just say that number, do you know what that is? A. No. They have actually changed from —there were directives that were all numbered and now they are in this form, 5.7. If you told me what it was, maybe I would be familiar with it. Q. Okay. To your knowledge, does the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	addresses that I recall for Mr. identification from the state was just listing that address on Torresdale Avenue. His prison release was for that address second floor. The only information we had, the second floor rear, was from probation. So that was the address that we used, because that was the most specific address. But his ID doesn't indicate to my recollection, did not indicate any apartment, just that address. MR. WEST: All right. Let's mark this as Graf-8.
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Page 66 Page 68 1 1 A. That's correct. MR. ZURBRIGGEN: Object to the form. 2 2 Q. Have you ever heard of something called a But Detective --3 3 no knock warrant? THE WITNESS: I don't know. 4 A. I have. 4 BY MR. WEST: 5 5 Q. What is a no knock warrant? Q. Okay. You have never received any 6 6 A. I never used one. But my understanding guidance from the Philadelphia Police Department? 7 7 is that you can not knock and just enter the A. I don't recall. I don't remember. 8 8 property. But I don't know the specifics. O. Okay. 9 Q. Okay. So unless you have a no knock 9 A. It may be in the police directive. I'm 10 10 warrant, are you required to follow something not sure. 11 11 known as the knock and announced rule? Q. Okay. But just to make sure I am not 12 12 MR. ZURBRIGGEN: Object to the form. missing anything, these warrants required anybody 13 13 But Detective, to the extent you know. to -- who is enforcing them, to follow the knock 14 THE WITNESS: That is my 14 and announce rule, correct? 15 15 understanding. MR. ZURBRIGGEN: Objection to the 16 BY MR. WEST: 16 form. Detective, to the extent you know. 17 17 Q. Okay. As a veteran member of the THE WITNESS: I have never 18 Philadelphia Police Department, do you know what 18 participated in a no knock warrant. 19 the knock and announce rule is? 19 BY MR. WEST: 20 MR. ZURBRIGGEN: Same objection. 20 Q. Okay. So you were -- you were the 21 21 But Detective, you can answer to the extent affiant to obtain the warrant of arrest, correct? 22 22 A. Correct. that you know. 23 THE WITNESS: You have to knock. 23 Q. Did you request a no knock warrant? 2.4 announce and then wait a reasonable amount 24 A. No. Page 67 Page 69 1 1 Q. Okay. And given your decades of being a of time before entering. 2 2 BY MR. WEST: detective with the Philadelphia Police Department, 3 Q. Have you ever received any training from 3 do you have enough expertise to look at these 4 4 the Philadelphia Police Department with regards to warrants and be able to say that these warrants 5 what is considered a reasonable amount of time, in 5 would require anyone enforcing them to follow a 6 6 that context? knock and announce rule? 7 7 MR. ZURBRIGGEN: Same objection. MR. ZURBRIGGEN: Objection to the 8 8 But Detective, you can answer. form. Detective, to the extent you know you 9 9 THE WITNESS: That, I don't can answer. 10 10 remember. I mean, that is possible, but I THE WITNESS: I mean, that is our 11 11 policy usually is to like -- general policy don't recall. 12 BY MR. WEST: 12 is we knock and announce. 13 13 BY MR. WEST: Q. Okay. In your personal experience, what 14 14 would you consider to be a reasonable amount of Q. Okay. 15 15 time pursuant to the knock and announced rule? A. I haven't served a warrant without SWAT 16 MR. ZURBRIGGEN: Objection to the 16 in 12 years. So -- but they always knock and 17 form. But Detective, if you know, you can 17 announce when I have been with them. 18 18 Q. Is that consistent with your answer. 19 19 understanding of the custom of the SWAT Unit that THE WITNESS: I don't have like a 2.0 2.0 specific time. Maybe 15, 30 seconds. That they --21 21 is just off the --A. I don't want to speak for the SWAT Unit. 22 22 BY MR. WEST: But usually they knock and announce. 23 23 Q. What is the purpose of the knock and Q. But not always, correct? 24 24 MR. ZURBRIGGEN: Objection. announce rule, to your understanding?

18 (Pages 66 to 69)

	Page 70		Page 72
1	THE WITNESS: That, I can't answer.	1	they had conducted related to this operation?
2	MR. ZURBRIGGEN: Object to the form.	2	A. No.
3	THE WITNESS: In my experience, yes,	3	Q. All right. I have no further questions.
4	they have.	4	Thank you.
5	BY MR. WEST:	5	MR. ZURBRIGGEN: I have no questions
6	Q. Were you present when Ms. Alvarado's	6	for the Detective. But I would like to
7	apartment was entered?	7	designate on the record all mentions of
8	A. I was up the street. Probably half a	8	or anything else that was in the
9	block away maybe.	9	confidential part of the warrant should be
10	Q. Did you personally witness Ms. Alvarado's	10	designated confidential under the
11	door being breached?	11	confidentiality order.
12	A. No.	12	MR. WEST: No objection.
13	Q. If the SWAT officers waited less than 10	13	THE VIDEO OPERATOR: At 11:30 p.m.
14	seconds between arriving at the front door and	14	(sic) we are going off the record.
15	breaching the door, would that be consistent with	15	(sie) we are going on the record.
16	the knock and announce rule?	16	(Whereupon, the videotaped
17	A. I don't	17	
18		18	deposition concluded at 11:30 a.m.)
19	Q. To your understanding?	19	
20	MR. ZURBRIGGEN: Objection to form. Detective?	20	
21		21	
	THE WITNESS: I don't know.		
22	BY MR. WEST:	22	
23	Q. You don't know. Okay.	23	
24	Besides what we have discussed so far	24	
	Page 71		Page 73
1	today, did you make any additional efforts at all	1	CERTIFICATION
2	to learn how a person could physically enter the		
3	second floor rear apartment of 4664 Torresdale	2	
4	Avenue?	3	
5	MR. ZURBRIGGEN: Objection to the	4	I hereby certify that the
6	form. But Detective, to the extent that you	5	proceedings and evidence noted are contained
7	know.	6 7	fully and accurately in the notes taken by
8	THE WITNESS: Did I make any efforts	8	me on the deposition of the above matter,
9	to find out how to get into the property?	9	and that this is a correct transcript of the same.
10	BY MR. WEST:	10	Same.
11	Q. Yes.	11	
12	A. No, I don't think so.	12	Deine house
13	Q. Okay. Besides what we have discussed		DENISE WELLER
14	today, did you make any additional efforts to	13	Shorthand Reporter
15	learn what was behind the door on the Torresdale	14	-
	Avenue side of the 4664 Torresdale Avenue	15	
16		16	
16 17	building?		
	-	17	
17	MR. ZURBRIGGEN: Objection to the	18	(The foregoing certification of this
17 18	MR. ZURBRIGGEN: Objection to the form. But Detective?	18 19	transcript does not apply to any
17 18 19	MR. ZURBRIGGEN: Objection to the form. But Detective? THE WITNESS: I don't know how I	18 19 20	transcript does not apply to any reproduction of the same by any means,
17 18 19 20	MR. ZURBRIGGEN: Objection to the form. But Detective? THE WITNESS: I don't know how I would have. But no.	18 19 20 21	transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or
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EXHIBIT "U"

Use of Force / Hospital Case Summary

- Click here to return to prior page
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- <u>MClick here</u> for a hardcopy of this incident.
- This document is the property of the Philadelphia Police Department.

Incident Entered By: Lieut Mark Bugieda

Incident Details

1900S Received Dt/Tm **Date of Occurrence Tm of Occurrence** 6/4/2021 1:19 PM 6/4/2021 5:55 AM

DC# **Inv Unit** Control # 21-15-040680 6001 PS #21-05

Hospital Case DC# Hospital/Doctor

Susp/Def Went to Hospital Susp/Def Injured Susp/Def Arrested

No

Charges Against Suspect/Defendant

Officer Went to Hospital Officer Injured

No

Summary - Actions of Defendant and Officers

Police Discharge PS #21-05 Lt. Bugieda #219 assigned.

Use of Force Specific

Reason for Use of Force Service Being Rendered

Dog Shooting Warrant

Incident Location

• 4664 Torresdale Avenue, Suite/Apt: 1, Philadelphia, PA - : 1500

Suspect/Defendant Information

N/A N/A

DOB: Race: N/A Gender: N/A

Involved Officer(s) Information

P/off Edward Song - Payroll #: 235933 - District: 4601 S.W.A.T. - In Uniform: Yes

Force Used Against Susp/Defendant

• Firearm Discharge

Commonwealth of Pennsylvania Philadelphia Municipal Court

County of: Philadelphia First Judicial District



WARRANT OF ARREST

Copy COMMONWEALTH OF PENNSYLVANIA

suing Authority CM LAUREN CONNOR	Defendant's Address(s): 4664 TORRESDALE AV Apt. 2 FLR Philadelphia, PA 19124
Citation/Complaint No: COM-0002831-2021 Docket No: Warrant Control No: WAR-0002831-2021 Date Citation/Complaint Filed: 06/03/2021	

Charge(s):		Shooting Victim	
Code	Grade	Description	Count
Additional char	ges, if any	, are listed on separate page	
DESCRIPTIV	E INFOR	RMATION:	

DESCRIPTIVE INFORMATION:

Social Security Number: Race: Age: Height: Eye Color: Sex: Weight: Date of Birth: Hair Color: Telephone Number:

Distinguishing features (scars, tattoos, facial hair, disability, etc):

Alias(es):

TO POLICE OFFICER:

In the name of the Commonwealth of Pennsylvania, you are commanded to take the defendant, into custody for 111 Homicide

Issued under my hand this 3 day of June, 2021

Signature **Issuing Authority**

OISI# PS21-05

Date: June 4th, 2021

Assigned: Detective Horn #881

ORIGIN

On 6-04-2021, at approximately 6:00AM, members of the SWAT Unit were executing a Homicide arrest warrant (#2021-2831 / M#21-201) /search warrant #242513 for the residence of 4664 Torresdale Avenue, 2nd floor rear, for a suspect named . The murder occurred on at . The SWAT unit was stacked at the front door residence and knocked and announced their presence with no response from inside of the home. SWAT subsequently used a ram to take down the front door and entered the residence. Upon entry, the interior of the scene was dark except for the light from the open front door. The SWAT team utilized their flashlights while clearing the first floor of the residence and encountered an aggressive Pit-Bull in the living room. The dog began biting the lower leg of SWAT Officer Song #3936 who was serving as the point man. Officer Song discharged his Sig Sauer M400 rifle one time striking the dog in the head.

The property was cleared by SWAT, and the suspect was not on location.

SCENE WALK THROUGH

A scene walk through was conducted by Officer Song for the purposes of establishing the parameters of the crime scene. Present for the walk through were Lieutenant Hendershot #148 of OISI, and Lieutenant Monk 279 and Sergeant Mellody #285 of SWAT

WEATHER

70 degrees, overcast

SCENE

The shooting scene was located in the 15th Police District (PSA 1), Northeast Police Division, a residential neighborhood consisting of two-story row homes, and businesses. The scene was contained inside the private residence located at 4644 Torresdale Avenue, 1st Floor. 4600 Torresdale Avenue is a two-way residential street with vehicular traffic traveling north and southbound, regulated by a traffic light at the northern intersection; parking permitted on the east and west curb lines. The scene was bordered: Margaret Street to the north, Wilmot Street to the south, with Ditman Street to the west and Edmund Street to the east.

Two steps, followed by a small landing led to the front door clearly marked with the numbers "4664" in large black colored sticker-like icons. The white colored, front door was ajar, with minor frame damage, apparently due to SWAT breaching the residence. Walking west through the threshold, a small couch was located along both the north and south walls with a small, oval glass table placed in the middle of the living room area between them. A medium sized, dark brown, male, Pit-Bull dog was located just west of the glass table, with its head facing in a D000003

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southeastern direction; dog was deceased, with an apparent bullet wound in the forehead, with blood on the floor around the head, and upper body area. A black dog crate, open, with a dog mat was located in the southwest corner of the room, with a television along the east wall, in front of the east wall window; closed curtains, and television blocked a clear view of the front of the property. The television was on, as was a small lamp that was located in the northwest corner of the room. (The resident, Felishatay Alvardo noted the television was on at the time of the incident but Police personnel turned on the light after the fact.) Continuing west through the residence, a small breakfast bar, with two chairs on the living room side of the room was noted, with a "Ring" Camera device sitting on top of the bar, facing the living room and front door; it was activated. Continuing west past the breakfast bar, the kitchen area followed, leading to a small hallway that led to the bedroom and bathroom. The rear of the property is accessible through a common drive way located on Margaret Street. A small gated, patio area led to a rear door that led to the second floor apartment; no access to the first floor from the rear of the property. Also noted was a "Bling" Camera in the first floor, rear, right window, facing out to the rear patio and alleyway. This camera was also activated.

BODY-WORN CAMERAS (BWC)

Responding officers were not equipped with Body Worn Cameras

OFFICER'S WEAPONS

Sig Sauer M400 rifle serial number 21J045708 loaded with 29 live rounds

POLICE INTERVIEWS

Sergeant Kevin MELLODY #285 / **PR#233866- SWAT-** was interviewed by Detective Peter Marrero#648 at 2301 South 24th Street (OISI) and relayed the following information in summary:

On 6/4/2021 at approximately 6:00AM, Sergeant Mellody was on location with SWAT personnel executing a signed Homicide arrest/search warrant #242513 for the residence of 4664 Torresdale Avenue, for a suspect named . Mellody was a part of the 2nd entry team with 2 additional officers. The SWAT unit was stacked at the front door residence and knocked and announced their presence with no response from inside of the home. SWAT subsequently used a ram to take down the front door and entered the residence. Upon entry, Sergeant Mellody noted that the interior of the scene was dark except for the light from the open front door. The SWAT team utilized their flashlights while clearing the first floor of the residence and encountered an aggressive Pitbull in the living room. Police Officer Edward Song - who was a part of the first entry team – separated himself from his unit's formation and stood with his Sig Sauer XM400 rifle at the low-ready position, pointing at the dog. At this point, Sergeant Mellody D000004

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resumed clearing the residence with the rest of the unit. When Sergeant Mellody entered the kitchen, he heard Police Officer Song discharge his rifle. Sergeant Mellody returned to the living room and saw Police Officer Song standing near the Pitbull which was deceased with an apparent gunshot wound through the bridge of its nose. Police Officer Song stated to Sergeant Mellody that the Pitbull had bit his lower right leg. Police Officer Song indicated to Sergeant Mellody that he had discharged at a downward angle to the floor. Sergeant Mellody did not observe any injuries but did observe what he believed to be dog saliva on Police Officer Song's right pants leg.

After the discharge, Sergeant Mellody made notifications and counted the remaining rounds in Police Officer Song's rifle. By his count, there were 28 rounds left in the weapon's magazine and one round in the chamber. The capacity of the magazine was 30 rounds.

Upon receiving relief at the crime scene, Sergeant Mellody transported Police Officer Song to OISI. At OISI gave a written interview and drew a diagram of the crime scene.

Police Officer Patrick SABA #9823 / PR# 259421- SWAT- was interviewed by Detective Toliver #9139 (SDD) inside South Detectives 2301 S 24th Street. He stated in summary that he was working with his partner Officer Burkitt #2091 assigned to S111. The officers were part of an entry team for 4664 Torresdale Avenue in reference to a search and arrest warrant. Officer Clark of SWAT knocked and announced. Officer Saba at this point could hear a dog barking inside. Officer Clark breeched the door and the team entered. Once inside, Officer Saba observed a medium sized brown Pit-Bull aggressively biting at the back of Officer Song's leg. Officer Saba continued to the rear of the property on the first floor when he heard a single gunshot from the living room. The officers learned from the 1st floor resident that access to the second floor apartment can only be gained from the exterior rear. The officers then regrouped outside and made entry to the second floor from the rear. The suspect was not on location and the property was cleared without incident.

Police Officer Jose HAMOY #2987 / PR# 274219- SWAT- was interviewed by Detective Rush #820 (SDD) inside of South Detectives 2301 S 24th St. He stated in summary that he was assigned to S101 with Officer Song #3936. The officers were part of an entry team to serve a search and arrest warrant at 4664 Torresdale Avenue. Once the door was breeched Officer Hamoy could hear a dog barking inside. Officer Song entered first with Officer Hamoy behind him. Officer Song went left while Officer Hamoy continued straight after observing a female in the kitchen. Officer Hamoy approached the female in the kitchen, and as he stood in front of her he heard a gunshot coming from behind him. Officer Hamoy assisted in clearing the property and realized there was no second floor access. The officers then went out the front door and around to the rear of the property. As he was leaving the first floor apartment, Officer Hamoy observed

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a large dog laying on the floor. The dog was bleeding. The officers were able to gain access to the second floor apartment and cleared the property.

Police Officer Matthew FITZPATRICK #148 / PR# 276655- SWAT- was interviewed by Lieutenant Hendershot #148 inside of OISI headquarters 2301 S 24th Street. Officer Fitzpatrick stated in summary that he was assigned to S115 and was responsible for front containment for the search and arrest warrant at 4664 Torresdale Avenue. Officer Fitzpatrick was posted in the front of the property and heard the officers knock and announce at the front door. The officers eventually breached the door and Officer Fitzpatrick could hear a dog barking. About 10 seconds later, Officer Fitzpatrick heard a single gunshot from inside. Officer Fitzpatrick did not witness the shooting and only learned after the incident was over who discharged.

Police Officer Heriberto QUINTANA #2721 / **PR# 214918- SWAT-** was interviewed by Detective Ferry #8134 (SDD) inside of South Detectives 2301 S 24th St. He stated in summary that he was assigned to S101 and was responsible for rear containment behind 4664 Torresdale Avenue. While in the rear of the property he heard a gunshot coming from the front of the house. Officer Quintana did not witness the discharge.

Police Officer Joshua BURKITT #2091 / PR# 292931- SWAT- was interviewed by Detective Johnson #755 (SDD) inside of South Detectives 2301 S 24th Street. He stated in summary that he was part of the entry team for a search and arrest warrant at 4664 Torresdale Avenue. While lined up outside of the property, the breacher knocked and announced on the front door. Officer Burkitt heard a dog barking inside. The breecher then forced entry and the officers entered the property. Upon their entry, Officer Burkitt noticed the dog barking, then charging at Officer Song who was the point man. The dog was biting at Officer Song's calf, and Officer Song was forced to exit the stack. As Officer Burkitt continued past Officer Song and the dog, the dog released from Officer Song's calf and cornered Officer Song in the living room. The dog was snarling and acting aggressively towards Officer Song at this time. Officer Burkitt was clearing the kitchen area of the apartment when he heard a single gunshot in the living room. Once the kitchen was clear, Officer Burkitt observed the dog on the floor with a gunshot wound to the face/head area. Officer Burkitt did not witness the discharge.

Police Officer Cyprian SCOTT #6686 / PR# 206820 -SWAT- was interviewed by Lieutenant Hendershot, OISI, and stated the following in summary. Officer Scott was assigned as front door containment during the arrest warrant service at 4664 Torresdale Avenue. Fellow officers approached, and knocked and announced their presence; a dog immediately started barking. A second knock and announce was given, and the dog continued to bark. He said, after Lieutenant Monk gave the order, fellow officers breached the front door. He heard the dog barking as fellow officers entered the residence, and 8 to 10 seconds later, he heard a single gunshot. Officer Scott maintained his front containment position for the entire operation. He did not see

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the dog, the scene, nor did he speak with Officer Song about what took place inside the residence.

Police Officer Brian MURRAY #6068 / PR# 271303- SWAT- was interviewed by Lieutenant Hendershot, OISI, and stated the following in summary. He was assigned as breacher/hospital car for the arrest warrant service at 4664 Torresdale Avenue. Once fellow SWAT Officers knocked and announced their presence, he heard a dog barking from inside the residence. After breaching the front door, he entered, and saw a brown Pit-Bull dog inside; the dog continued to bark, and aggressively approach Officer Song. He saw Officer Song discharge his weapon, striking the dog. At that point, Officer Murray continued securing the room, until fellow officers realized there were no steps that led to the second floor apartment. He remained inside the first floor residence with a female resident, securing the scene, while fellow officers made contact with a male in the second floor, through the rear entrance.

Police Officer James ASHFORD #3802 PR# 230717-SWAT- was interviewed by Detective Courtney #745, South Detectives Division, and stated the following in summary. He was assigned to front containment during the arrest warrant service at 4664 Torresdale Avenue. He heard a dog barking from inside the house after fellow SWAT Offices knocked and announced their presence. The barking continued during the second announcement, and breaching of the front door. He heard one gunshot less than 8 seconds after the door was breached. About 10 seconds after that, he saw the entry team exit the front door, and make their way to the rear of the property. He found out after the fact that the discharge was from a fellow SWAT officer.

Police Officer Phillip RIOTTO #3984 / **PR# 277534- 15th District-** was interviewed by Detective Peter Marrero#648 at 2301 South 24th Street (OISI) and relayed the following information in summary:

On 6/4/2021, Police Officer Riotto was working the 11:30PM to 7:45AM when he was given a radio call to meet SWAT at the intersection of Wakeling Street and Torresdale Avenue to meet SWAT for the execution of a search warrant at 4664 Torresdale Avenue to block northbound traffic on the 4600 block of Torresdale. Officer David Smith #2016 informed Police Officer Riotto that his presence was requested at the residence. Upon arrival, he was informed that an officer had discharged their weapon, striking a dog. Sgt. Cerruti was on location and instructed Police Officer Riotto to hold the home as a crime scene. Inside of the home Officer Riotto saw a deceased dog with an apparent gunshot wound to its nose, a large pool of blood, and large caliber FCC in the living room of the residence. Officer Riotto encountered the female resident who was distraught. Officer Riotto noted that the front door to the residence was damaged and part of the door's wooden frame was on the floor. Police Officer Riotto also noted that the resident's sister

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was present. The resident also informed Officer Riotto that an interior surveillance camera may have captured the shooting on video.

Police Officer David Smith #2016 / PR# 250991- 15th District- was interviewed by Detective Brian Newell #662 at OISI headquarters and relayed the following in summary. On June 4, 2021, he was assigned as 1531 and requested by SWAT to take the area of Torresdale Avenue and Margarette Street to block traffic. When SWAT made entry into 4664 Torresdale Avenue, Officer Smith heard a single gunshot. Moments later, he was advised by SWAT officers that an officer discharged at a dog inside of the property. Officer Smith prepared a Crime Scene Log for the incident. He observed a fawn colored pit-bull dead in the living room with blood by the head and (1) one Fired Cartridge Casing (F.C.C.). A woman was inside of the property but was not identified by Officer Smith. No additional observations were made.

Police Officer Rivera #6797 / **PR# 257944- SWAT-** was interviewed by Detective Anzideo #690 (SDD) at South Detectives and relayed the following in summary. On June 4, 2021, Homicide requested the assistance of SWAT to execute a Search and Arrest Warrant for Officers Rivera and Quintana #2721 were assigned as Rear D0000008

OISI# PS21-05

Date: June 4th, 2021

Assigned: Detective Horn #881

Containment. After entry was made through the front, Officer Rivera heard a single gunshot. He observed a black male and female exiting the rear of the property. After the property was secure, he learned that a dog was killed inside of the property. No additional observations were made.

CIVILIAN INTERVIEWS

Felishatay ALVARADO, 31/HF/ DOB, 12/01/1989, 4664 Torresdale Avenue was interviewed by Lieutenant Jason Hendershot #148 on 6/4/2021 at 7:06 AM outside of 4666 Torresdale Avenue in the presence of her sister and legal guardian Yara Alvarado, 34/H/F, D 4/18/1987, 4723 Torresdale Avenue / 4664 Torresdale Avenue. In addition to giving Lieutenant Hendershot verbal consent to video tape their conversation, search their home for purposes of processing the crime scene and recover personal surveillance footage, Felishatay Alvarado stated the following in summary on an audio/video recorded conversation:

Felishatay Alvarado was inside of her home, in the shower when she heard SWAT personnel enter her home by breaking her door. She lives alone and according to her, no other persons were present at the home during the time of this incident. She further stated that she had all of the lights in her home turned off and she heard her dog barking. Upon entry by SWAT, Felishatay Alvarado states that she made a request to SWAT to let her put her dog – an emotional support dog – away. She stated that SWAT denied her request and that later on, she heard one gunshot. Alvarado acknowledged that her dog was barking and that it did approach the officers. She added that she believed that SWAT officers entered her property in error. Yara Alvarado interjected that the first and second floor of the building function as two separate apartments with two completely different entrances. Yara Alvarado further stated that the first and second floor do not have any shared access points; front entrances leads to the first flood and the rear entrances leads to the 2nd floor.

Yara Alvarado also provided a phone number for their property, Armin Maroli (215-982-0107)

SURVEILLANCE VIDEOS

Surveillance video was recovered from Philly Deli Delight 4670 Torresdale (SW corner of Torresdale and Margaret). The deli is 4 houses north of 4664 Torredale on the same side of the street. Exterior cameras from both the front and rear were recovered and show SWAT lining up and entering the property. The interior of 4664 Torresdale is not visible, and the discharge isnot captured on the video.

OISI# PS21-05

Date: June 4th, 2021

Assigned: Detective Horn #881

ACTIONS TAKEN

- Officer Song's Sig Sauer M400 rifle with serial number 21J045708 was placed on Property Receipt 3465949 and submitted to the Firearms Identification Unit for analysis
- Twenty-Nine (29) live rounds from Officer Song's weapon were placed on Property Receipt 3165949 and submitted to the Firearms Identification Unit for analysis
- Police Officer interviews conducted
- Dog owner interviewed
- Consent to search was obtained by Detective O'Neill to process the crime scene
- The crime scene was processed by members of the Crime Scene Unit
- Radio tapes have been obtained
- Surveillance video from the corner store (Philly Deli 4670 Torresdale) was recovered
- Licenses and Inspections was contacted to determine if the property was legally turned into a duplex

SUPPLEMENTAL REPORTS/ANALYSIS

The *Crime Scene Report* (CSU 21-0435) was received and reviewed. The assigned technician is P/O Campbell #9862. A total of 21 photographs were taken, and a rough sketch was prepared. One FC 223 REM fired cartridge casing was recovered from the living room floor. The casing was placed on Property Receipt 9030452 and submitted to the Firearms Identification Unit for analysis

The *Firearms Identification Unit Report* (OFS# 21-0009176) was received and reviewed. The examiner is Police Officer Cha. The report stated the Sig Sauer SIGM400 rifle with serial number 21J045708 was test fired and found to be operable with a trigger pull of 5 lbs +/- at a coverage probability of 95.45%. The fired cartridge casing recovered from the living room floor was microscopically compared to the rifle, however there is insufficient detail of the class and/or individual characteristics for an identification or elimination finding

DAO FINDINGS

On 6/7/21 OISI received a facsimile transmission from ADA Clark Beljean of the District Attorney's Office SIU Unit stating that Officer Song had been "Cleared".

EXHIBIT "V"



PHILADELPHIA POLICE DEPARTMENT DIRECTIVE 5.7

Issued Date: 11-26-21 Effective Date: 11-26-21 Updated Date:

SUBJECT: SEARCH WARRANTS (PLEAC 1.2.3, 2.7.1, 2.7.2 a,b,c,d,e)

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PHILADELPHIA POLICE DEPARTMENT

DIRECTIVE 5.7

SUBJECT: SEARCH WARRANTS (PLEAC 1.2.3, 2.7.1, 2.7.2 a,b,c,d,e)

1. POLICY

- A. The determination concerning when a search warrant must be obtained will be based on pertinent legal guidelines and consultation with a supervisor. The advice of an Assistant District Attorney (ADA) should be obtained and adhered to when any questions arise concerning the search warrant procedure.
- B. All search warrants will be obtained and executed by police personnel in accordance with the procedures established in this directive and the applicable rules of Pennsylvania Criminal Procedure (Pa. R. Crim. P. 2001 to 2010) which can be found in the Pennsylvania Crimes Code.
- C. The Application and Affidavit for Search Warrant (75-175) forms will ALWAYS be distributed in sequential order from the distribution point (Police Warehouse) through the issuance of a single warrant to an individual police officer/investigator.
- D. All search warrant applications MUST be submitted to the District Attorney's Charging Unit (DACU) for review prior to submitting to a judge or bail commissioner.
- E. The actual execution of the search warrant and related police actions during a search will be governed by this directive and pertinent legal guidelines, and barring exigent circumstances, will be strictly adhered to by all sworn personnel.
- F. Misstatements, Omissions and Exculpatory Information
 - 1. Under the Fourth Amendment, when applying for a warrant, police officers may not intentionally include misstatements or false statements; or recklessly omit any material facts from the accompanying affidavit of probable cause. Because the Fourth Amendment prohibits this conduct, the Department also prohibits it. Misstatements in or material omissions from a warrant application will damage the criminal case and could subject the investigator and the City to a §1983 federal civil rights claim.

- 2. Regarding omissions, investigators shall include in all warrant applications highly relevant facts within their knowledge that any reasonable officer knows that a magistrate would need to make an independent determination of probable cause. This includes all culpable information as well as exculpable information. Exculpable information includes, but is not limited to:
 - a. any misidentification, inconsistency or failure to identify a suspect by a witness/victim.
 - b. differences in height, clothing or other specifics of the offender from originally reported flash information.
 - c. discrepancies in license tag or vehicle description information initially described by a witness/victim.
 - d. information regarding any past interactions/relationships between the suspect and the victim that could affect a probable cause determination.

2. PURPOSE OF A SEARCH WARRANT

- A. A search warrant may be issued to search for and seize:
 - 1. contraband, the fruits of a crime, or things otherwise criminally possessed; or
 - 2. property which is or has been used as a means of committing a criminal offense; or
 - 3. property, which constitutes evidence of the commission of a criminal offense.

3. PROCEDURE FOR OBTAINING A SEARCH WARRANT (75-175)

- A. To obtain a search warrant, sworn personnel MUST:
 - 1. Have thoroughly investigated a complaint or gathered information as to convince a disinterested party (judge or bail commissioner) that probable cause exists to justify a search.
 - 2. Consult with their highest-ranking supervisor.
 - 3. Prepare a 75-175 as outlined in this directive.
 - 4. Fax a completed 75-175 to the DACU for approval.

- a. The ADA will evaluate, note their approval or disapproval in the margin and return the fax.
- 5. Obtain a Record of Declination form from the ADA if the affidavit is disapproved or significantly modified. A Record of Declination is not needed if the modifications amount to only handwritten notes on the 75-175 for the purpose of strengthening the probable cause aspect of the search warrant.
- 6. Write DACU's approval in the margin and include the ADA's name, date and time.

NOTE: The approved faxed copy returned from DACU will be maintained by the officer/investigator and remain as a part of the discovery package.

- 7. Present the original affidavit and a Continuation Report (75-51), if applicable to a judge or bail commissioner at the Bail Magistrate, Criminal Justice Center (CJC). Testify to the truth and accuracy of the information contained in the affidavit. Ensure that the approved copy is available for review by the judge or bail commissioner.
- 8. Make no corrections, additions, or deletions on any copy of the 75-175 once the judge or bail commissioner has possession of it.
 - a. Search and seizure warrants that have been signed by a judge or bail commissioner will not be voided.

EXCEPTION: Search and seizure warrants that have not been served within the specified period of time, two days from the date of issuance, must be voided.

NOTE: Supplementing a search warrant orally at the time it is signed by a judge or bail commissioner is not acceptable. Under Rule 2003 (b), such oral additions will not be admissible at a subsequent suppression hearing. If relevant facts arise or come to the attention of an officer after the warrant affidavit has already been completed, the new information must be included in the 75-175 or in a 75-51 and sworn to by the officer.

9. When the offense has been previously reported, use the original District Control number in the space provided. Otherwise, obtain a DC number from the district where the search has occurred.

4. PARTICULARITY OF THE SEARCH WARRANT

A. Sworn personnel shall complete all pertinent block headings on the 75-175, including their signature, badge number and district/unit. (PLEAC 2.7.1)

- B. THE PREMISES OR PERSON TO BE SEARCHED AND THE ITEMS TO BE SEIZED MUST BE SPECIFICALLY DESCRIBED IN THE WARRANT SO THAT THE JUDGE OR BAIL COMMISSIONER AND EXECUTING OFFICER HAVE NO DOUBT AS TO WHO OR WHAT CAN BE SEIZED AND WHERE THEY MAY BE FOUND.
 - 1. Description of buildings should include:
 - a. Street name and number (no intersections). When possible, where search will take place (vehicle/building), use exact numerical location.
 - b. Number or stories apartment number.
 - c. Type of construction (brick, wood, etc.).
 - d. Type of property (single home, apartments, twin structure, etc.).
 - e. Particular markings, color, or any additional information which serve to identify that particular premise.

REDACTED – LAW ENFORCEMENT SENSITIVE

- C. The warrant MUST also include the following:
 - 1. Name and/or description of owner, occupant(s), or possessor of the premise or property to be searched.
 - 2. The particular crime that has been or is being committed.
 - 3. What probable cause exists for a search.
 - a. Probable cause is the existence of facts and circumstances that would justify a person of reasonable caution to believe:
 - 1) that an offense has been or is being committed;
 - 2) that the particular person or item to be seized is reasonably connected to the crime; and
 - 3) that the person can be found at a particular place or the item can be found in the possession of a particular person or at a particular place.

REDACTED – LAW ENFORCEMENT SENSITIVE

- 2. Reasons for believing that the item(s) or person(s) are located at the premise specified and why they should be the subject of a seizure.
- 3. Facts known to the officer concerning:
 - a. potential for destruction of evidence and
 - b. potential for the removal of evidence, contraband, etc.
 - c. threats of harm to police personnel should be clearly indicated on the warrant.

CAUTION: The facts and information must be real and cannot be based on simple speculation or on a "hunch" by the officer applying for the warrant.

- 4. If a "night-time" search is requested (i.e., 10:01 PM to 5:59 AM), state why the search should be carried out in other than daytime hours (i.e., 6:00 AM to 10:00 PM). The judge or bail commissioner must specifically note on the warrant (bottom right corner of application) that they are authorizing such a search and sign their name to it.
 - **NOTE**: There is a need for the officer to state additional probable cause to support such a search (e.g., evidence may be moved or destroyed, the threat of serious bodily injury or death, or other exigent circumstances exist).
- 5. The judge or bail commissioner MUST complete the "jurat" or the clause located directly under the probable cause (center right of 75-175) stating when, where and before whom such affidavit was sworn. (Exception: The "jurat" on the 75-175 need NOT be completed by the judge or bail commissioner if a 75-51 is used and its "jurat" is completed.)
 - **NOTE**: As a result, the signature and seal of the issuing authority will appear a total of two (2) times. Once on the bottom section of the 75-175 and once on the "jurat" section of the 75-51 OR twice on the 75-175 ("jurat" and bottom section), if no 75-51 is used.
- E. When additional space is required to complete the probable cause, use a Continuation Report (75-51) regardless of the amount of information supplied. The following steps will be carried out:
 - 1. Type in capital letters in the narrative section of the 75-51, CONTINUATION OF PROBABLE CAUSE FOR WARRANT # _____."
 - 2. Complete the necessary probable cause information.
 - 3. Directly under the last sentence of probable cause and at the bottom of the last page of the 75-51, type the following exactly as shown.

Signature of Affiant	Badge #	Dist/Unit	
Sworn to (or affirmed)	and subscribed	before	
me thisd	ay of	20	-
			_(SEAL)
Signature of Issuing A	uthority		

- 4. The officer (affiant) will affix their signature, badge number and district/unit on the line just completed in Step 3 above.
- 5. Attach the 75-51 to the 75-175.
- 6. Ensure the judge or bail commissioner signs and affixes their seal to the 75-51 on the line shown in Step 3 above.

NOTE: The first page (affidavit) of the 75-51 and 75-175 will be kept by the issuing authority. A copy of the 75-51 will be attached to the corresponding copy of the 75-175, including the "owner-occupant-premises" copy.

5. INFORMATION OBTAINED FROM INFORMANTS OR THIRD PARTIES

- A. Court decisions from both Federal and State Supreme Courts have established the test of the "totality of circumstances" as the standard of review by courts in assessing search warrant applications based upon information acquired through informants and third parties.
- B. Affidavits will be reviewed in their entirety, and significance will be given to each relevant piece of information provided by the informant or third party and not exclusively on their credibility and reliability of the informant or third party.
- C. Credibility and reliability are still significant factors in search warrant applications. Credibility, reliability, as well as all issues relating to the "totality" standard can all be enhanced with an officer's independent investigation and observation and additional corroboration of the informant's and third party's information.
 - **NOTE:** Thorough investigation and analysis is important since informants can intentionally give false and misleading information. Officers can also consult with the on-duty ADA, where appropriate to evaluate these issues.
- D. Sworn personnel must be prepared to verify the informant's past reliability at the suppression hearing and all information placed in the warrant must be accurate and appropriate to the best of the officer's knowledge.

- E. When information has been obtained from another person (criminal or citizen informant, another police officer or anonymously), the officer completing the 75-175 must include specifically what information was received and how and when the information was obtained.
- F. Information obtained from informants, particularly criminal informants, must be thoroughly examined and documented in order to use in and successfully sustain the probable cause for the warrant and future court challenges. Sworn personnel should strive to include as much information as possible in the probable cause section of the affidavit. Information included should be:

REDACTED – LAW ENFORCEMENT SENSITIVE

6. PROCEDURE FOR THE EXECUTION OF THE SEARCH WARRANT

A. Executing the Search Warrant

- 1. The search warrant must be served during the "daytime" hours (6:00 AM to 10:00 PM) unless a "night-time" search (10:01 PM to 5:59 AM) has been authorized, on the face of the warrant, by a judge or bail commissioner. It must also be served within a specified period of time not to exceed two (2) days from the date of issuance. A judge or bail commissioner may, however, designate a lesser period of time for its execution.
 - a. Search and seizure warrants that have not been served within the specified period of time, (two (2) days from the date of issuance), must be voided.
- 2. Sworn personnel serving the warrant will thoroughly review it for accuracy, specifically concentrating on the exact location and description of property to be searched.
- 3. Sworn personnel are expected to perform the search in a highly professional manner. Officers will not use abusive or derogatory language, threats, or intimidation while serving and executing a search warrant. Weapons should not be displayed unnecessarily after the safety of the officers has been ensured and the premises secured as authorized by Directive 10.1, "Use of Force Involving the Discharge of Firearms." Officers engaging in improper or unprofessional conduct will be subject to disciplinary action.
- 4. Property should never be damaged or destroyed unless the search cannot be conducted without such action. The unnecessary damage or destruction of personal property by police during a search is strictly prohibited and WILL result in severe disciplinary action as well as possible review by the courts.
- 5. When individuals are present while a residential search warrant is being served:
 - a. Officers are required to complete a Vehicle or Pedestrian Investigation Report (75-48A) on all individuals in the immediate vicinity during a search of a residential location which is being conducted based upon a valid search warrant.
 - b. According to the United States Supreme Court, the basis for the search warrant provides the necessary justification to lawfully detain the occupants in the immediate vicinity of a residential search, even if the officers have no reason to suspect criminal activity by the individuals.

c. While the search warrant allows the individuals present to be detained during the search, it does not automatically authorize an officer to frisk the individuals. Officers must have additional reasonable suspicion to believe the individual present during a search warrant has a weapon that could harm the officer. The additional reasonable suspicion must be articulated on the 75-48A when any frisk is conducted.

B. Knock and Announce Rule

- 1. The purpose of the "knock and announce" rule is to prevent violence and physical injury to police and occupants, to protect an occupant's expectation of privacy, to prevent property damage resulting from forced entry and to give the occupants an opportunity to surrender the premises.
- 2. The manner of entry is provided in Rule 2007 of the Pennsylvania Rules of Criminal Procedure and is as follows:
 - a. Without exception, a law enforcement officer executing a search warrant shall, before entry, give or make a reasonable effort to give notice of their identity, authority and purpose to any occupant of the premise specified in the warrant.
 - b. Such officer shall await a response for a reasonable period of time after their announcement before gaining entry into the property.
 - c. If the officer is not admitted after such a reasonable period of time, they may forcibly enter the premises and may use as much physical force to effect entry therein as is necessary to execute the search warrant.

NOTE: The courts have not precisely and uniformly determined the exact period of time that can be considered "reasonable." However, recent court decisions have shown that 30 seconds should be the minimum time police personnel should delay their entry into a property after announcing their presence and purpose.

C. Exceptions to the Knock and Announce Rule

1. While the courts recognize specific exceptions to the Knock and Announce rule, it shall be the policy of the Philadelphia Police Department to knock and announce prior to any warrant service. If any investigator believes that their safety is at risk by knocking and announcing the warrant, the warrant service shall be referred to the SWAT Unit.

D. Warrant Information Card (75-614)

- 1. On every occasion where a search warrant has been obtained, sworn personnel will give to the owner or occupant, a Warrant Information Card (75-614). If there is no one present at the home, leave the Warrant Information Card (75-614) AND the owner/occupant copy of the search warrant in a clearly visible area inside the property.
- 2. The Warrant Information Card (75-614) MUST contain the following information:
 - a. Basic information about the search warrant process AND
 - 1. Name
 - 2. Rank
 - 3. Unit
 - 4. Office Phone Number
 - 5. District/Unit Address of the Commanding Officer of the district/unit that obtained the search warrant.
- 3. Questions or complaints concerning the warrant or search procedure can be directed to the pertinent commanding officer.

E. Seizure of Property

- 1. Seizing officer will perform the following:
 - a. Inventory and record the items seized on all copies of the search warrant. If necessary, reverse carbons and use the backside of the warrant to complete the inventory.
 - b. Complete the warrant in the presence of the person from whom the items were seized or in the presence of at least one witness.
 - c. Give the blue copy of the warrant, with listed items seized, to the person from whom taken or, if no one is present, leave the copy in a conspicuous location.
 - d. If items are seized, request the signature of the person from whom taken or witnesses to the seizure. If they refuse to sign, indicate so on the warrant.
 - e. Place their signature in the appropriate block.
 - f. Prepare a Property Receipt (75-3) and distribute it in accordance with Directive 12.15, "Property Taken into Custody."

NOTE: Even when there is no property seized, a copy of the warrant must still be given to the owner/occupant or left in a conspicuous location along with the Warrant Information Card.

7. PREPARATION OF COMPLAINT OR INCIDENT REPORT (75-48)

A. A Complaint or Incident Report (75-48) will be prepared when a search is needed. Use the same DC number that was issued to the 75-175.

- B. In addition to the exigent circumstances information requested in Section 6-C-3 (where necessary), the 75-48 will also include: (PLEAC 2.7.2)
 - 1. Date and time service was executed/attempted. (PLEAC 2.7.2 a)
 - 2. Name of officer(s) executing/attempting service. (PLEAC 2.7.2 b)
 - 3. Name of person on whom the search warrant was served/executed. (PLEAC 2.7.2 c)
 - 4. Address of service/attempt. (PLEAC 2.7.2 e)
 - 5. Warrant Number.
 - 6. Method of entry (consent, use of force, etc.). (PLEAC 2.7.2 d)
 - 7. Results of search (arrest, seizure of items, negative results). (PLEAC 2.7.2 d)
 - 8. Damage to property (describe in detail).
 - 9. Wrong location when the warrant has been served on the "wrong location" state, "Warrant served on wrong location" and include both the correct and incorrect numerical locations and the name of the owner/occupant of the incorrect location.
 - a. Damage to the property or service of warrants at a "wrong location" must be reported to Police Radio immediately.
 - 10. Whenever a search warrant has been served on a "wrong location," the Commanding Officer of the district/unit that obtained the warrant will be notified. They will notify the pertinent Chief Inspector and prepare a memorandum to the Police Commissioner, sent through the chain of command, describing the entire incident. The Commanding Officer of the district of occurrence will be notified by the Commanding Officer of the district/unit that obtained the warrant.
 - NOTE: A "wrong location" does not exist when all factors indicate correct warrant service at the premises described in the warrant was accomplished. (i.e., simply because the search produced negative results, does not indicate a "wrong location"). However, negative search incidents should be carefully reviewed by the supervisor and by the Commanding Officer when they review the search warrant as per Section 9-B of this directive and take action when necessary.

8. DISTRIBUTION OF SEARCH WARRANT (75-175) AND COMPLAINT OR INCIDENT REPORT (75-48)

A. Before the search warrant is broken down, photocopy the Reports Control (white) copy and note on the bottom "Commanding Officer Central File" and give to the district/unit Commanding Officer that obtained the warrant. (If a 75-51 has been completed, also make a copy for the "Commanding Officer Central File").

B. 75-175 75-48 White Retained by Affiant N/A (Affidavit) White Reports Control Reports Control (PLEAC 2.7.1) Dist/Unit case file Canary Property seized and Arrest Made or Only Arrest Made (Attach forward to Arraignment Court) All Other Cases or Dist/Unit case file Combinations (to Clerk of Quarter Sessions, 1301 Filbert Street N/A Green Property seized and Arrest Made or only Arrest Made (to District Attorney at Arraignment Court) Property seized, No Arrest N/A or No seizure, No Arrest (to District Attorney's Office – 3 South Penn Square) Non-Service or No Search N/A (To Reports Control) Pink N/A Retained by bail commissioner

C. Voided Warrants

Blue

1. Partially and completed 75-175s with no judge's or bail commissioner's signature are to be maintained by the district/unit Commanding Officer, except for the Reports Control copy.

N/A

- a. Mark the word "VOID" in large block letters across face of the warrant.
- b. Describe the reason for voidance in "Results of Search" block and include the supervisor's concurring signature.
- c. Record on the Internal Control Log (75-390) that the warrant is void.
- d. Send the "voided" white copy of the 75-175 to Reports Control.

Owner/Occupant/Premise

Copy

- 2. Whenever a search warrant is voided, the immediate supervisor will prepare a memorandum to their Commanding Officer explaining why the warrant was voided.
 - a. This will include search and seizure warrants that have not been served within the specified period of time (two (2) days from the date of issuance).

9. SEARCH WARRANT CONTROL LOG (75-390)

- A. The Search Warrant Control Log (75-390) shall be maintained by Commanding Officers to ensure internal control of search warrants issued by their command.
- B. Commanding Officers shall review this log periodically, and on a monthly basis review each search warrant issued to ensure all legal and departmental guidelines have been carried out.

10. ACQUISITION AND DISTRIBUTION OF THE 75-175

- A. District/Unit Commanding Officers will always ensure that district/unit's DAR code number is placed on the memorandum to the Police Warehouse when requests for 75-175s are made. No warrants will be distributed unless a memorandum with the proper DAR code number is re-sent to the warehouse supervisor.
- B. District/Unit Commanding Officers will always ensure, as per Section 1-C of this directive that the distribution of the search warrants to personnel are completed only in sequential order.

11. ARRESTS IN PRIVATE RESIDENCES

- A. Absent exigent circumstances, the following warrant requirements must be met for a legal arrest in a private residence:
 - 1. An arrest warrant is needed before an individual may be arrested in their place of residence regardless of the grade of the offense.
 - 2. Both an arrest AND a search warrant are needed to enter a residence other than the defendant's in order to search for and arrest the defendant.
 - 3. Both an arrest AND a search warrant are needed to enter any residence, whether owned by the defendant or not, if the purpose of the police entry is to arrest a suspect and search for evidence.

- B. Warrantless arrests and searches are permitted where exigent circumstances exist. However, courts generally review the reasonableness of police actions based upon exigent circumstances on a case-by-case basis and these issues are closely scrutinized. As a basic rule of procedure where time and circumstances permit, an arrest and/or search warrant must be obtained. (PLEAC 1.2.3)
 - 1. Some factors, which courts consider in determining whether exigent circumstances existed, are:
 - a. the reasonable belief that a threat of physical harm to police officers or others exists unless an arrest is made immediately.
 - b. the seriousness of the offense.
 - c. a strong reason to believe that the suspect is on the premises AND committed a crime.
 - d. the likelihood that the suspect will escape.
 - e. a "hot pursuit" of a suspect who flees into a building.
 - f. the manner of entry (i.e., **REDACTED LAW ENFORCEMENT SENSITIVE**).
 - 2. Officers will be required to document the fact that such exigent circumstances existed and may be required to articulate such details through court testimony.
 - 3. EXIGENT CIRCUMSTANCES DO NOT EXIST WHERE OFFICERS CREATE THEIR OWN EMERGENCY. (E.G., IF AN OFFICER PLACES THEMSELVES IN A PLACE WHERE THEY ARE NOT LEGALLY PERMITTED TO BE AND THEY ARE FORCED TO TAKE POLICE ACTION. THE COURTS MAY NOT PROTECT THESE ACTIONS UNDER EXIGENT CIRCUMSTANCES.)
- C. An arrest for any crime committed in the presence of police does not require a warrant regardless of the location in which the arrest is made, provided the arrest occurs immediately.

12. CONSENT TO SEARCH

- A. The consent to search is one of the few legally recognized exceptions, created by the U.S. Supreme Court, permitting law enforcement personnel to search a person or property without a search warrant.
- B. Officers obtaining a consent to search must proceed carefully as a knowing, voluntary, and informed choice by the individual to be searched must be given.
- C. Once consent is given, sworn personnel may seize:
 - 1. Contraband, the fruits of a crime, or other things criminally possessed.

- 2. Property which is or has been used as the means of committing a criminal offense.
- 3. Property, which constitutes evidence of the commission of a criminal offense.
- D. This section guides personnel in the use of the consent to search either a person, place or thing.
- E. Sworn personnel should only use the consent to search when there exists less than the requisite probable cause to conduct a warrantless search or to secure a search warrant.
- F. Consent to search will not be used as a substitute for a valid search warrant. If the officer has probable cause and there are no exigent circumstances, which require an immediate search, they MUST obtain a search warrant.
- G. A supervisor will always be consulted before a consent to search and, unless there are extenuating circumstances, a supervisor (not necessarily from the officer's/investigator's district/unit that is requesting approval) should be physically on location and sign/endorse the Consent to Search Form (75-668).
 - 1. Consent to a STRIP SEARCH MUST be approved, in writing, by the highest-ranking supervisor available in the district/unit.
 - 2. Consent to a BODY CAVITY SEARCH MUST be approved, in writing, by a Lieutenant or higher-ranking supervisor.
 - a. A Consent to Search Form (75-668) and a Complaint or Incident Report (75-48) WILL be completed for these two types of consent searches. Consent to perform strip or body cavity searches will be conducted as prescribed in Section 21.
- H. All consent searches should be in writing using a Consent to Search Form (75-668).

13. REQUIREMENTS FOR A CONSENT TO SEARCH

- A. The courts will uphold a consent to search only when the following conditions have been met:
 - 1. that a statement has been made consenting to the search;
 - 2. that it has been given by the owner or possessor of the premise;
 - 3. by a third party who possesses common authority over or other sufficient relationship to the property or effects to be searched,
 - 4. and the consent is given voluntarily AND without being the result of duress or coercion, either expressed or implied.

- B. Factors, which may suggest to a court that consent was voluntarily given, include but are not limited to:
 - 1. the consenting party was not in police custody at the time of their consent;
 - 2. the consenting party's custodial status was voluntary when consent was given;
 - 3. the consenting party believed police would find no contraband;
 - 4. the consenting party was aware of their right to refuse;
 - 5. the consenting party was informed by police prior to the request for consent what the police were searching for;
 - 6. the consenting party signed a consent to search form prior to the search; and
 - 7. that the consenting party agreed to assist police in conducting the search.
- C. Factors, which may suggest to a court that consent was coerced, include but are not limited to:
 - 1. the presence of abusive or overbearing police actions and procedures;
 - 2. police use of deception or trickery to gain consent to search;
 - 3. statements or actions by police indicating the consenting party was not free to refuse the search;
 - 4. where consent is given by a person already in police custody;
 - 5. where police had blocked or impaired the consenting party's freedom of movement; and
 - 6. where consent was granted but only after it had been refused initially.
- D. In addition to the requirements described in Section 13-A above, officers will ensure they provide the consenting party with the following warnings:
 - 1. that the consenting party has the right to require the police to obtain a search warrant; and
 - 2. that they have the right to refuse to consent to a search.
- E. If the person is in police custody, three (3) additional warnings must be provided:
 - 1. that any items found can and will be confiscated and may be used against them in court:
 - 2. they have the right to consult with an attorney before making a decision to consent; and
 - 3. they have the right to withdraw their consent at any time.
 - **NOTE**: In addition to the factors described in this section, officers should also take into consideration the mental competence of the person granting consent, whether they are under the influence of drugs or alcohol, and their age. The status of a minor alone does not prevent one from giving consent.

14. SCOPE OF THE CONSENT TO SEARCH

- A. The following limitations are placed upon an officer who has been granted a consent to search:
 - 1. An officer may NOT exceed the limits of the consent.
 - a. If consent has been granted to search for a particular object or person, the officer may only search those places where the person or object could be found.
 - 2. Consent may be revoked at any time during the course of the search.
 - a. However, items found before the consent was revoked remain subject to seizure.
 - 3. Sworn personnel should not open locked containers without specific permission from the consenting party.
 - a. This is permission above and beyond the initial consent.

NOTE: A consent search may disclose the basis for an arrest or for the probable cause needed to acquire a search warrant.

15. PROCEDURE FOR CONDUCTING A CONSENT TO SEARCH

- A. The procedures to be followed for conducting a consent to search:
 - 1. A supervisor will always be consulted before a consent to search and, unless there are extenuating circumstances, a supervisor (not necessarily from the officer's/investigator's district/unit that is requesting approval) should be physically on location and sign/endorse the Consent to Search Form (75-668). Consent to a strip or body cavity search requires written approval of a supervisor.

NOTE: The procedures in Section 21 of this directive must be adhered to when conducting strip or body cavity searches.

- 2. Determine the consenting party's authority to truly give consent to search.
- 3. Provide the consenting party with all pertinent warnings as outlined in Section 13-D and E.
- 4. Prepare the Consent to Search Form (75-668) for each request ensuring as much information as possible is completed before presenting it to the consenting party.

- 5. Provide a detailed description of the person or property to be searched and the particular offense under investigation.
- 6. Before the consenting party signs the form, the officer will read the statement they are signing and explain it to them.
- 7. Obtain a witness (may be another officer) to serve the consenting party and to sign the document. Witness must be competent and available to testify.
- 8. Request a signature of the consenting party. If the consent is granted, but the party refuses to sign, note the refusal on the consent form.
- 9. Ensure the witness or another officer accompanies the searching officer throughout the premises. REQUEST THAT THE CONSENTING PARTY ALSO ACCOMPANY THE SEARCHING OFFICER THROUGH THE PREMISES.

16. SEIZURE OF PROPERTY

- A. When property is seized as a result of the search, police will:
 - 1. Strike out the word "nothing" in the Results of Search section of the Consent to Search Form.
 - 2. List the items seized on the Consent to Search Form. Reverse the carbon of Consent to Search Form and use the back if additional space is required.
 - 3. Prepare a Property Receipt (75-3) listing all items seized. If the consenting party refuses to return to the district/unit to complete the Property Receipt, note the refusal on the receipt.
 - 4. Note the Property Receipt number on the Consent to Search Form.
 - 5. Have the consenting party sign the Consent to Search Form on the bottom section below "Results of Search." Explain that their signature indicates that police only seized those items listed. If the party refuses to sign, note the refusal on the form. (This will amount to the consenting party's signature appearing twice on the Consent to Search Form and once on the Property Receipt).
 - 6. Have the witnesses sign the Consent to Search Form just below the consenting party's signature. (This will also amount to the witnesses' signature appearing twice on the Consent to Search Form).
 - 7. Give the carbon copy of the Consent to Search Form to the consenting party, as well as the pertinent copy of the Property Receipt (75-3).

17. NO SEIZURE OF PROPERTY

- A. When there is no property seized, police will:
 - 1. Strike out the words "only those items listed below" in the Results of Search section.
 - 2. Insert N/A in the spaces provided for inventory of items.
 - 3. Have the consenting party sign the Consent to Search Form on the bottom section below "Results of Search." Explain that their signature indicates that the police seized nothing. If the party refuses to sign, note the refusal on the form (This will amount to the consenting party's signature appearing twice on the Consent to Search Form).
 - 4. Have the witnesses sign the Consent to Search Form just below the consenting party's signature (This will amount to the witnesses' signature(s) appearing twice on the Consent to Search Form).
 - 5. Give the carbon copy of the Consent to Search Form to the consenting party.

18. SEARCH AND SEIZURE OF LUGGAGE

- A. The scope of a search incident to a lawful arrest is limited to the person arrested and the area within their immediate control.
- B. The search of personal property immediately associated with the arrestee does not require a search warrant (e.g., wallets, purses).
- C. When an arrested individual is carrying a suitcase, briefcase, footlocker, etc., the luggage may be seized. However, the contents of the luggage are generally not within the immediate control of the arrested individual and therefore, the luggage can only be opened/searched pursuant to the following guidelines:
 - 1. When the arresting officer has probable cause to believe that a suitcase, briefcase, footlocker, etc., may contain contraband or instruments of a crime, the luggage shall be seized, but NOT opened until a search warrant has been properly secured.
 - 2. In all cases where exigent circumstances exist, an immediate search may be made at the time of the arrest. However, the exigent circumstances must be clearly articulated. Exigent circumstances include, but are not limited to the following:
 - a. Immediately dangerous instruments (e.g. explosives).

- b. Definite possibility that evidence may be destroyed or the evidence is perishable (e.g., blood).
- D. When the arresting officer has no reason to believe that the luggage contains contraband or evidence, the luggage shall be seized and:
 - 1. Placed on a Property Receipt (75-3) in accordance with Directive 12.15, "Property Taken into Custody."
 - 2. The luggage will be opened and inventoried in the presence of the person from whom it was seized. Items will be listed on the pertinent property receipts.
 - **NOTE:** Property of different categories inside the luggage must be placed on separate property receipts (e.g., prescription medicine, money, jewelry must be placed on separate receipts and stored separately from the luggage).
 - a. If the luggage, bag, etc., does not fit in the evidence drop box, it must be stored in the evidence holding room.

19. PREMIERONE RECORDS MANAGEMENT SYSTEM (P1RMS)

- A. When an arrest is made or evidence is seized, ensure the Premier One Records Management System (P1RMS) contains the following:
 - 1. Identity of the consenting party by name, age, race, sex, date of birth, and address.
 - 2. Facts and circumstances indicating the consenting party owned or controlled the property searched or had common authority over it. (e.g., Person had possession of item to be searched, they identified themselves as the owner, utility company or tax records reflect ownership, possession of the lease or deed, witnesses statements).
 - 3. Facts and circumstances indicating the consent was given voluntarily (See Section 13-B).
 - 4. Facts and circumstances of the search.
- B. <u>PRELIMINARY DISCOVERY</u> In order for the District Attorney's Charging Unit (DACU) to have sufficient information to approve an arrest in PARS, investigators will ensure that the below information is entered and/or scanned into the P1RMS system <u>immediately upon completion</u> of the PARS report (and before the end of the investigator's tour of duty).
 - 1. Required PRELIMINARY DISCOVERY needed for PARS Arrest approval:

- a. 75-48 Complaint or Incident Report.
- b. 75-48A Vehicle/Pedestrian Investigation Report (when applicable).
- c. Victim(s)/Complainant(s) signed statement (75-483).
- d. Witness(es) signed statement (75-483).
- e. Defendant(s) signed statement (75-331) (when applicable).
- f. Police Officer(s) signed statement (75-483).
- g. Property Receipt(s) (75-3).
- h. Description of suspect/defendant identification procedure (describe street identification).
- i. Biographical Data Report (75-229).
- j. Search and Seizure Warrants (75-175) if served.
- k. Retail Theft Apprehension Form (75-635) (when applicable).
- 1. Ownership and Non-Permission Interview Sheet (75-636) (when applicable).
- m. Auto Accident Reports (TrACS) (i.e., DUI arrest with auto accident).
- n. Upload Photo Array.
- o. 75-43A Supplemental (if applicable).
- p. Consent to Search (75-668) and/or Consent to Search DNA Form (75-625).
- 2. It is important to note that <u>any and all forms</u>, reports, documents, and items used or seized in any investigation or arrest WILL be entered into the P1RMS.
 - **NOTE:** The Commanding Officer of the Unit/Division assigned to the investigation/arrest will be responsible for ensuring that all police reports pertaining to the investigation/arrest are properly transmitted to the District Attorney's Office.
- C. When a consent to search was requested or conducted in an attempt to apprehend a wanted subject, document on the "Attempt to Apprehend Log" and in P1RMS Case File. Place a copy in the wanted person's folder.

20. CONSENT TO SEARCH FORMS

- A. Depending on the circumstances, the following forms will be used:
 - 1. Use Form 75-668 when consenting party understands English and/or Spanish, whether or not in custody.
 - **NOTE**: When available, a Spanish-speaking officer or witness/interpreter should be utilized to ensure that the consenting party fully understands the conditions of their consent.
 - 2. Distribution of the Consent to Search Form (75-668) will be as follows:
 - a. White Copy will be maintained by the Commanding Officer, Reports Control Unit.

- b. Yellow Copy will be maintained by the Commanding Officer of the district/unit where the officer is assigned.
- c. Pink Copy will be given to the consenting party.
- B. Use the Consent to Search Form (DNA Sample) 75-625/Request for Expungement (Voluntary DNA Sample) 75-625A when:
 - 1. The consenting party freely and voluntarily consents to give a biological sample (i.e., oral swab, blood) intended for DNA comparison whether or not the consenting party is in custody. Ensure that all boxes are properly filled out prior to obtaining the sample.
 - **NOTE:** If the person does not understand English, an appropriate interpreter must be utilized to ensure that the consenting party fully understands the conditions of their consent (Refer to Directive 7.7, "Limited English Language Proficiency").
 - 2. Acquisition of the 75-625/75-625A will be the same procedure as outlined in Section 10.
 - 3. Distribution of the 75-625/75-625A will be as follows:
 - a. White Copy (75-625) will be attached to the Property Receipt (75-3) prepared for the sample submitted to the Office of Forensic Science.
 - b. Yellow Copy (75-625) will be maintained by the Detective Division and/or Investigative Unit collecting the sample.
 - c. Pink Copy (75-625) will be given to the consenting party.
 - d. Request for Expungement Form (75-625A) will be given to the consenting party.
 - 4. Control of the forms should remain with each unit's Commanding Officer to ensure internal control and sequential issuing of the form by their command.

NOTE: No other forms will be used for collecting a consent DNA sample. A sample of the 75-625/75-625A is contained at the end of this directive.

21. STRIP AND BODY CAVITY SEARCHES

A. Procedures outlined in this section are to guide members of the Philadelphia Police Department in the effective and proper use of strip and body cavity searches.

- B. Sworn personnel of the Philadelphia Police Department shall conduct ALL searches in a legal, thorough and professional manner.
- C. Sworn personnel may conduct intrusive searches, such as a strip or body cavity search, ONLY under the limited circumstances described in this section. POLICE PERSONNEL ARE NOT PERMITTED TO ROUTINELY CONDUCT OR AUTHORIZE STRIP/BODY CAVITY SEARCHES ON EVERY INDIVIDUAL TAKEN INTO POLICE CUSTODY.
- D. A strip search may only be conducted when an individual has been lawfully taken into custody AND sworn personnel can identify specific factors which establish a reasonable suspicion that the individual possesses a weapon or contraband, such as controlled substances, or evidence of a specific crime.
- E. A body cavity search may only be conducted when an individual has been lawfully taken into custody AND sworn personnel have obtained a search warrant thereby establishing probable cause to search for:
 - 1. contraband, the fruits of a crime, or things otherwise criminally possessed; or
 - 2. property which is or has been used as a means of committing a criminal offense; or
 - 3. property, which constitutes evidence of the commission of a criminal offense.

EXCEPTION: A search warrant is not required when an individual to be searched gives written consent to a search.

- F. Any strip search conducted must be approved, in writing, by the highest-ranking supervisor available in the district/unit. Any body cavity search will only be approved, in writing, by a Lieutenant or higher-ranking officer. They will also be present in the area of the search or designate a subordinate supervisor to do so (need not visually witness the search).
- G. All police districts, narcotics and detective units, as well as other units where persons may be brought for investigation, arrest or processing, will maintain a strip/body cavity search file (Homicide, PDU, etc.). This file will be maintained alphabetically by the last name of the individual who was searched. The yellow copy of the Complaint or Incident Report (75-48) will be maintained in the file. District/Unit Commanding Officers will review and initial the report before it is placed in the file. This file will be maintained for five (5) years.

H. Definitions

1. <u>Standard Search</u> - the thorough physical examination of an individual taken into custody pursuant to an arrest, a warrant, evidence of a specific crime, or where consent has been given by the individual. This search is used to uncover a weapon or contraband such as controlled substances.

NOTE: The mouth (oral cavity) search is part of the standard search and should be completed when this type of search is to be utilized, if necessary.

- a. The search can consist of the removal of a person's OUTER GARMENTS (i.e., the coat, jacket, sweater, vest, wig, shoes, socks, hat, and handbag or wallet) as well as the grabbing, squeezing or sliding the hands over the remaining clothing to detect a weapon or contraband.
- b. A standard search does not preclude the touching of any part of the person's body, through their clothing, in an attempt to ensure that the person does not possess a weapon or contraband.
- c. Police personnel may also conduct a subsequent standard search on arrested individuals delivered to their custody as outlined in Directives 5.14, "Investigation and Charging Procedure" and Directive 7.8, "Adult Detainees in Police Custody."
- 2. <u>Strip Search</u> the removal or rearrangement of clothing to permit the VISUAL inspection of a person's undergarments, buttocks, anus, genitals or breasts to search for a weapon or contraband such as controlled substances.
- 3. <u>Body Cavity Search</u> the actual entering or touching, by instrument or appendage, a person's anal or vaginal area ONLY in an effort to search for a weapon, evidence or contraband such as controlled substances.

22. STRIP SEARCH GUIDELINES

A. STRIP SEARCHES

- 1. Can only be conducted with:
 - a. The existence of specific factors which establish a reasonable suspicion by the officer that the individual possesses a weapon or contraband, such as controlled substances, or evidence of a specific crime and that person has been lawfully taken into custody.
 - b. These factors are taken into consideration:
 - 1) nature of the crime;
 - 2) circumstances of the arrest;
 - 3) acts of violence, if any
 - 4) discoveries from prior arrests and/or previous searches of the subject;
 - 5) subject's reputation or conduct.

NOTE: The search must be authorized, in writing, by the highest-ranking supervisor available in the district/unit. The supervisor, or a subordinate supervisor will be present in the area of the search (they need not visually witness the search). Also, the mere fact that an arrest has occurred for a specific crime (e.g., Narcotics Offense) is not, by itself, reasonable suspicion to conduct a strip search. All factors must be considered prior to requesting a strip search.

2. **WILL** be conducted:

- a. In a dignified and professional manner and the person to be searched will not be required to remain unclothed any longer than is necessary to complete the search.
- b. In a police or medical facility or other secure building except under exigent circumstances.
- c. In private and by an officer of the same sex as the person to be searched. (When practical, two officers of the same sex will be present).

NOTE: An officer may not touch the undergarments or the exposed breasts, genitals, vaginal or anal areas of the person being searched, unless it is to remove/recover a weapon, contraband, or evidence of a specific crime. Use verbal commands to complete the search.

3. **WILL NOT** be conducted for:

- a. Traffic violations ONLY,
- b. Investigatory stops ONLY,
- c. Summary offenses requiring only the issuance of a Non-Traffic Summary Offense Citation (03-8) where the person is to be immediately released upon its completion.

23. BODY CAVITY SEARCH GUIDELINES

A. BODY CAVITY SEARCHES

- 1. Can only be conducted if:
 - a. The person has been lawfully arrested AND a warrant outlining the probable cause to believe the person possesses:
 - 1) contraband, the fruits of a crime, or things otherwise criminally possessed; or

- 2) property which is or has been used as a means of committing a criminal offense; or
- 3) property, which constitutes evidence of the commission of a criminal offense.
- 2. Person to be searched gives written consent.

NOTE: Although a body cavity search is technically authorized by the authority issuing the search warrant, the request for such a warrant will still be approved and authorized, in writing, by a Lieutenant or higher-ranking supervisor. That supervisor, or a subordinate supervisor, will be present in the area of the search (they need not visually witness the search).

3. **WILL** be conducted:

- a. In a medical facility and ONLY by a licensed physician and their medical staff.
- b. In private and in view of only the doctor, medical staff and an officer(s) of the same sex as the person to be searched.
- c. In a dignified and professional manner and the person to be searched will not be required to remain unclothed any longer than the physician has deemed necessary.

4. **WILL NOT** be conducted for:

- a. Traffic violations ONLY,
- b. Investigatory stops ONLY,
- c. Summary offenses requiring only the issuance of a Non-Traffic Summary Offense Citation (03-8) where the person is to be immediately released upon its completion.

24. STRIP/BODY CAVITY SEARCH PROCEDURE

- A. Sworn personnel requesting a search (strip/body cavity) will:
 - 1. Ensure the person to be searched is properly secured until authorization is granted to search.
 - 2. Request the presence of the highest-ranking supervisor available in the district/unit.
 - 3. Request the assistance of an officer of the same sex as the person to be searched, if not present.

- 4. State the facts, to the authorizing supervisor, which reveals their reasonable suspicion (strip search) or probable cause (body cavity search).
- 5. If a strip search is approved, conduct as described in Section 22.
- 6. If a body cavity search is approved, obtain a warrant as per Section 3.
- B. Supervisor authorizing (strip/body cavity search):
 - 1. Will evaluate the officer's request and ensure it meets the standard of reasonable suspicion (strip searches) or probable cause (body cavity searches) and take into consideration the totality of facts and circumstances including:
 - a. nature of the crime;
 - b. circumstances of the arrest;
 - c. acts of violence, if any
 - d. discoveries from prior arrests and/or previous searches of the suspect;
 - e. suspect's reputation of conduct.

NOTE: The authorizing supervisor will not approve a strip search solely on the fact that an arrest has occurred for a specific crime (e.g., narcotics offense).

- 2. Will approve or disapprove the request.
- 3. Will ensure the search is conducted in the proper facility as indicated in Section 22 and 23 of this directive.
- 4. Will ensure a strip search is conducted and viewed ONLY by an officer(s) of the same sex and that a cavity search is conducted and viewed ONLY by a licensed physician, medical staff and an officer(s) of the same sex as the person being searched.
- 5. Will be, or have a designated supervisor, present in the area of the search as it occurs (need not visually witness the search).
- 6. Will prepare, or designate a subordinate supervisor to prepare, a strip or body cavity search Complaint or Incident Report (75-48) for every individual search conducted. ALWAYS use the District Control number of the original assignment or arrest.
 - a. A new District Control number will ONLY be obtained when there is no District Control number for the original assignment.

NOTE: A copy of the search 75-48 must be scanned into the Case File.

EXCEPTION: Where there is no Summary Citation. (See Section 25-C).

- 7. Will ensure the 75-48 includes the following:
 - a. Name of the person searched (Complainant Block).
 - b. Name and badge number of the officer requesting the search.
 - c. Specific factors justifying the search.
 - d. Type of search conducted (strip or body cavity).
 - e. Whether the search was conducted under a warrant (include warrant number), consent, reasonable suspicion, or probable cause.
 - f. Signature and badge number of the officer or physician's signature that conducted search.
 - g. Name and badge number of the witnessing officer.
 - h. Date, time started, time finished and location where the search took place.
 - i. Any item(s) found during the search.
 - j. AUTHORIZING SUPERVISOR'S SIGNATURE AND BADGE NUMBER.
- 8. Will ensure that a strip/body cavity search was conducted and its details are noted on the district/unit S&R, noting the pertinent information including the District Control number.
- C. Sworn personnel conducting a search (strip search only) will:
 - 1. Ensure the area where the search will take place is secure and cannot be used to escape custody.
 - 2. Not touch the person's exposed breasts, anus, buttocks, genitals, or undergarments. Use verbal commands to ensure a thorough search.
 - 3. Inform the authorizing supervisor of the items found.
 - 4. Sign and include the badge number on the 75-48.
- D. ORS/Investigative Unit Supervisor will:
 - 1. Ensure that a 75-48 is prepared, submitted, and, when an arrest is made and scanned into the Case File whenever a strip/body cavity search is conducted.
 - 2. Code search 75-48 Strip Search (no code number).
 - 3. Ensure that an entry is made on the S&R with a brief description of the incident.
 - 4. In addition, ensure that if a juvenile has undergone a strip/body cavity search, that it is noted in the remarks section of the computerized Juvenile Flow Chart.

NOTE: Whenever there is a Summary Citation, the strip/body cavity search 75-48 will always be attached.

- E. Commanding Officers will periodically review 75-48s to ensure the guidelines in this directive are followed.
 - 1. On a monthly basis, the district/unit Commanding Officer will send a memorandum through the chain of command to the Commanding Officer, Standards and Accountability, listing the number of strip/body cavity searches conducted by their personnel; include a DC number.

25. DISTRIBUTION OF SEARCH 75-48 (STRIP/BODY CAVITY SEARCHES)

- A. The strip/body cavity search 75-48 will be distributed as follows:
 - 1. White copy scanned into the P1RMS Case File.
 - 2. Yellow copy maintain alphabetically in district/unit strip search file of district/unit conducting the search.
- B. When only a Summary Citation (03-8) is required:
 - 1. White copy attach to yellow copy of citation (Reports Control).
 - 2. Pink copy attach to blue copy of citation (Police District).
 - 3. Yellow copy-maintain alphabetically in district/unit strip search file of the district/unit conducting the search.
- C. When the person searched is released and not charged: (no Summary Citation).
 - 1. White and pink copy hand delivered to the ORS of the district of apprehension who will distribute as per Directive 12.11, "Complaint or Incident Report (75-48)." The delivery must be completed within 24 hours of the search.
 - 2. Yellow copy maintain alphabetically in the district/unit strip search file of district/unit conducting the search.

26. SEARCH WARRANT TRACKING

A. It will be the overall responsibility of the Reports Control Unit to monitor and track the flow of all Department search warrants from their release by the Police Warehouse, to the individual districts/units, on through their service, post service, and filing stages. Individual Commanding Officers will have the ability to monitor their original affidavits on a regular basis to ensure total compliance with this directive.

- B. The Integrity Control Office will be responsible for an additional level of oversight pertaining to the actual review of the search warrants. This review will help to identify any improprieties or corruption. A statistical report will be generated for the Police Commissioner as directed.
- C. It will be the responsibility of the district/unit Commanding Officers, with the exception of Homicide and the Special Investigations Bureau's (SIB) units, to obtain, distribute, control, review and file all search warrants that have been assigned to their district/unit in accordance with this directive.
- D. It will be the responsibility of the Homicide and SIB Unit commanders/supervisors (captain, lieutenants and sergeants) to obtain, distribute, control, review and file all search warrants that have been assigned for their unit's use. By delegating this responsibility to the supervisors instead of the commanders of the two units expected to use the greatest number of warrants, a more efficient method of tracking can be developed.
- E. Only a supervisor will be able to obtain a package of warrants (packages contain 25) from the warehouse. No more than two packages (50 warrants) will be obtained per visit.
- F. The procedures outlined in this directive and Computer Training Bulletin 95-1 must be strictly followed and commanders/supervisors will become thoroughly familiar with their contents. Supervisors WILL NOT give their personal computer sign-on code, or delegate after signing on, to a subordinate to perform any required entry to the Search Warrant Tracking System.
- G. The contents of this section does not relieve the Commanding Officers of any district/unit, including Homicide and SIB, from maintaining the overall responsibility for any and all warrants issued to their personnel. The Commanding Officer's goldenrod copy of the 75-175, along with all required computer entry printouts, will be maintained in their file for compliance with departmental policies and procedures.

NOTE: All copies of a voided affidavit/warrant are to be sent to Reports Control, except the Commanding Officer's copy, which will be retained in their file.

H. Confidential warrants are those warrants, approved by the affiant's Chief Inspector that should remain confidential, however, the warrant numbers must still be maintained A memorandum will be sent by the affiant's Chief Inspector holding the confidential warrant to the Chief Inspector, Office of Professional Responsibility, listing all such warrants. The Chief Inspector, Office of Professional Responsibility, must approve these requests. When it has been determined by the requesting bureau's Chief Inspector that there is no longer a need for confidentiality, the necessary information concerning all aspects of these warrants must be immediately entered into the computer.

I. Updating the search warrant by computer as required will be the responsibility of the affiant's supervisor/commander. All questions asked on the computer MUST be answered (e.g., Is there a body warrant along with the search warrant? What is the body warrant number?).

27. OBTAINING WARRANTS FROM THE POLICE WAREHOUSE

A. Warehouse personnel will:

- 1. Only accept, from the printer of the warrants, the proper numerical, sequential 75-175's as per contract specifications.
- 2. Continually rotate the stock of search warrants and distribute them in sequential order only.
- 3. Release search warrants only to Police Department supervisors showing proper identification and presenting a memorandum, which MUST include the name and rank of the commander/supervisor of the requesting district/unit, payroll number and a six-digit DAR unit/platoon code number. (Exception: Office of the District Attorney and Pennsylvania State Police)

NOTE: The first four digits of the DAR code refer to the district/unit, while the last two digits refer to the platoon (e.g., 1st Dist., 5 platoon = 010050).

- 4. Ensure, alongside the receiving supervisor, that each package contains 25 sequentially numbered warrants.
- 5. Immediately enter all pertinent information concerning the issuance of the warrant package into the computer in accordance with Computer Training Bulletin 95-1.

B. District/Unit Commanding Officers will:

- 1. Prepare a memorandum noting name, rank, payroll number and complete DAR unit/platoon code number addressed to the Supervisor, Police Warehouse, along with the 71-S-91, Materials Issue Slip.
- 2. Send a supervisor (administrative lieutenant/sergeant) to obtain warrants.
- 3. Inform the supervisor to accurately count the number of warrants in each package and ensure they are in sequential order.
- 4. Log all warrants in sequential order in the Search Warrant Control Log (75-130).
- C. Homicide/SIU Units' Commander/Supervisor (captain/lieutenant/sergeant) will:

1. Prepare a memorandum noting name, rank, payroll number, and complete six-digit DAR unit/platoon code number as shown below.

NOTE: The memorandum must be from the supervisor of the unit or platoon, not from the Commanding Officer.

SAMPLE: TO: Supervisor, Police Warehouse

FROM: Lieutenant John Doe, Homicide Unit, 600320, Payroll #

SUBJ: REQUEST FOR SEARCH WARRANTS

Obtain or send a subordinate supervisor to obtain the warrants. Log all warrants in sequential order in the Search Warrant Control Log (75-130).

NOTE: All units/platoons in Homicide or SIB must have their own 75-130s.

28. DISTRIBUTING INDIVIDUAL WARRANTS

A. Only a commander/supervisor may distribute a warrant to an officer/investigator (also known as the Affiant). An issuing supervisor WILL NOT be the affiant. Distribution must be done in sequential order.

NOTE: Officers from one district/unit in need of a warrant WILL NOT be denied a warrant because they are not assigned to the district/unit in possession of an available warrant. A warrant will be made available to any officer or investigator in need of one (e.g., Narcotics officers working in Northeast Division will always be able to obtain a warrant from Northeast Detective Division).

- B. Distributing Commander/Supervisor will:
 - 1. Follow the procedures outlined in Computer Training Bulletin 95-1, selecting menu screen number 2 and immediately enter all necessary information requested into the computer.
 - 2. Immediately complete the 75-130.

NOTE: Failure to immediately enter the information requested into the computer will be cause for follow-up review of the status of that warrant by the Reports Control Unit.

29. UPDATING SEARCH WARRANTS

- A. Once a warrant has been issued and either served or voided, it is incumbent upon the receiving officer's/investigators' supervisor to update the warrant by following the procedures in Computer Training Bulletin 95-1, selecting menu number 2 and immediately enter all necessary information requested into the computer.
- B. All fields on the computer screen must be completed except when a warrant has been voided. In these cases, follow the directions in Computer Training Bulletin 95-1 under "Void Procedure."

30. INTERNAL AFFAIRS RESPONSIBILITIES

- A. Only authorized Internal Affairs personnel will have access to Menu Selection #4, "Modify Screen" through the WRNT command on the Police system.
- B. Authorized personnel will adhere to the procedures outlined in their copy of Computer Training Bulletin 95-1 and must answer the question concerning complaints.

31. REPORTS CONTROL RESPONSIBILITIES

- A. Only authorized Reports Control personnel will have access to Menu Screen #5, "Reports Control Update Screen."
- B. Authorized personnel will adhere to the procedures outlined in their copy of Computer Training Bulletin 95-1 and must answer the question concerning the filing of the warrant.
- C. Copies of the warrants will be maintained in accordance with existing policy.
- D. Reports Control, on a weekly basis, will receive a register from the Data Processing Unit, which must be compared against the information available in the computer relating to completed or voided warrants.
- E. Strip/body cavity search 75-48s will be left attached to the copy of the Summary Citation.

EXCEPTION: When there is no Summary Citation, the strip/body cavity search 75-48 will arrive alone (See Section 25-C). Since the DC number on the strip/body cavity search 75-48 should match the DC number of original assignment, both 75-48s will be placed together.

32. AUDITS AND INSPECTIONS RESPONSIBILITES

- A. Will receive, on a weekly basis, a register from the Data Processing Unit relating to completed, voided and delinquent warrants.
- B. Will initiate a follow-up review on the status of the warrant when the district/unit fails to forward relevant copies of the Search Warrant (75-175) to the Reports Control Unit within seven (7) days of execution, being voided, or when there is non-service or no search.

BY COMMAND OF THE POLICE COMMISSIONER

RELATED PROCEDURES: Directive 5.14, Investigation and Charging Procedure

Directive 7.8, Adult Detainees in Police Custody

Directive 10.1, Use of Force – Involving the Discharge of

Firearms

Directive 12.11, Complaint or Incident Report (75-48)

Directive 12.15, Property Taken into Custody

VG #11-334488-B W-438964



CITY OF PHILADELPHIA

PHILADELPHIA POLICE DEPARTMENT

CONSENT TO SEARCH FORM

ALE	TIME
OCATION	DC NUMBER (if applicable)
I,	, hereby freely and voluntarily
provide consent to Philadelphia Police Officer	
Badge# to conduct a search of	
Badge# to conduct a search of for evidence of	
	rrant authorizing this search and that I have a
constitutional right to refuse permission for thi	s search to be conducted.
Results of Search:	
I certify that (nothing/only those items listed be	elow) (was/were) removed from my custody by
the Philadelphia Police Department. (If proper	rty is seized, list items below and on Property
Receipt)	
Property Receipt#	
IGNATURE	DATE
SUPERVISOR (NAME AND BADGE#)	IDENTIFICATION VERIFICATION:
	(EX. DRIVER'S LICENSE NUMBER)
VTTNESS SIGNATURE	
TITTESS SIGNATIONE	
-668	1

Reports Control



CITY OF PHILADELPHIA

PHILADELPHIA POLICE DEPARTMENT

CONSENT TO SEARCH FORM

TIME
DC NUMBER (if applicable)
hereby freely and voluntarily hof
earch warrant authorizing this search and that I have a on for this search to be conducted. s listed below) (was/were) removed from my custody by (If property is seized, list items below and on Property
I DATE
DATE
IDENTIFICATION VERIFICATION: (EX. DRIVER'S LICENSE NUMBER)

YELLOW COPY

District/Unit Commanding Officer



CITY OF PHILADELPHIA

PHILADELPHIA POLICE DEPARTMENT

CONSENT TO SEARCH FORM

ALE	TIME
LOCATION	DC NUMBER (if applicable)
I	, hereby freely and voluntarily
provide consent to Philadelphia Police	
Badge#to conduct a search	of
for evidence of	
	listed below) (was/were) removed from my custody by f property is seized, list items below and on Property
SIGNATURE	DATE
SUPERVISOR (NAME AND BADGE #)	IDENTIFICATION VERIFICATION: (EX. DRIVER'S LICENSE NUMBER)
WITNESS SIGNATURE	
5-868	

PINK COPY



CITY OF PHILADELPHIA

PHILADELPHIA POLICE DEPARTMENT

CONSENT TO SEARCH FORM

CONSERVI	(DNA SA	MPLE)	JORGI	
DATE		TIME		N. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.
opy Gop	V		oov ^{aa} a	
LOCATION	100°	DC NUMBER (i	f applicable)	
			<u> </u>	
I, voluntarily provide consent to the Ph	niladelphi	a Police Depar	, hereby	freely and
swab specimen from me. I fully und				
be analyzed and can be introduced i	2001 100		400	
I have also been fully informed that the D				
and will be used for current and future c				
providing my consent on this date, I retain				
swab to be expunged or deleted from the must be initiated by meand that I have been				
mustoeminated by mean dinatina vedeci	прточнаес	iwitimisti uction	sonuicexpungen	ientprocedures.
I understand that the PPD does not have	a search	warrant for my	DNA and that I ha	ive the absolute
right to refuse to provide the oral swab		(NMN /	
		\./\		~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~
I certify that I am not under the infl				
hinder or otherwise diminish my abi further certify that I have, in fact, rea				
willingly and without any threats of	0,000	Vo. 20000 50	• ******	
	3 8		*o 8/** 1. /	
SIGNATURE	7	DATE	JJY	
	700		1000	
WITNESS (NAME AND BADGE #)	1000	IDENTIFICATIO	N VERIFICATION	:/ \/
3 97		(EX. DRIVER'S LIC	CENSE NUMBER)	3 , 57
WITNESS SIGNATURE	4		DOV	
	960°		S SS	
				DV
75-625		3 28		82 a F



CITY OF PHILADELPHIA

PHILADELPHIA POLICE DEPARTMENT

REQUEST FOR EXPUNGEMENT

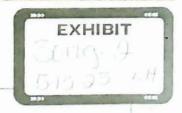
(VOLUNTARY DNA SAMPLE)

The Philadelphia Police Department will, upon request, expunge any DNA profile, from a voluntarily collected oral swab sample, from all DNA databases to which the profile was entered. Additionally, the physical specimen will also be destroyed.

The expungement and destruction only applies to the specimen and profile from the voluntary collection. Any other form of legally obtained samples/profiles, such as those collected as a result of a search warrant, court order, or as part of processing for a criminal conviction, will be maintained according to appropriate laws and procedures.

appropriate laws and procedures.				
NAME: (LÄST, FIRST, MIDDLE)		3	:	1
Copy	00)		ОУ
DNA SEARCH FORM # (upper right corner	DC NUMBER	(if applicable)		111124
of consent form)	1			
DATE OF COLLECTION	LOCATIONO	F COLLECTION		M 1 7
	Location	T COLLECTION		<i>-</i>
3700	1, 1	1900		111126
IDENTIFICATION VERIFICATION USED (EX. DRIVER'S LICENSE NUMBER)	DURING COLLE	CTION:		
		N N - Z		
SIGNATURE		DATE		
		19900		11100
<u>'anti ('at</u>	21/		<u> </u>	
Confirmation of expungement/destruction confirmation below. Allow 90 days for pro	a will be provided ocessing of reques	l. Please provid t.	e contact inform	nation for the
STREET ADDRESS	CO () y		Dy I
CITY, STATE, AND ZIP)	PHONE #	ЭУ	-()(
EMAIL ADDRESS	Cor	FAX#	Co	ОУ
75-625 A				

EXHIBIT "W"



Instructor Cues and Performance Objectives

DOG ENCOUNTERS

DOG ENCOUNTERS

I. Introduction

- A. Fewer people die annually in the United States from dog bites than from lightning strikes.
- B. Training Objectives:
 - Identify and respond to indicators that a dog is present in a location.
 - Failing to anticipate a dog on the premises is a frequent mistake that Officers make.
 - Food/water bowls, leashes chains, worn paths in lawn usually means a dog is present.
 - 3. Notify owner that you are there and tell them to contain their dog.
 - 4. Make noise, shake fence, call to dog to avoid surprises for you or the dog.
 - List indications that a dog may attack.
 - 1. A dog's posture often signifies the dog's intent.
 - Behavior does not always predict a threat.
 - 3. Barking does not always mean a dog is aggressive.
 - Officer's movements may reduce likelihood of an attack.
 - Dogs often react when they think their territory or owner are threatened.
 - Identify tools and methods of avoiding or warding off a dog attack.
 - Officers' body position, tone of voice, and other "tricks" can avoid their being perceived as a threat by the dog.
 - 2. Baton, night stick, ASP, pepper spray tools readily at hand can be used to counter a dog attack.

- 3. When all other means fail to stop the threat, lethal force is justified.
- Identify breed-specific characteristics of dogs commonly trained to fight and/or guard.
 - 1. Any dog can bite under certain conditions.
 - Dogs' behavior depends on how they are trained and socialized.
 - Despite common thinking, no breed is guaranteed to be a threat.
 - Pit Bulls are valued as fighters, protectors and family pets.
 - Rottweilers are known to be antisocial, stubborn and protective.
 - Dobermans often do not growl or show aggression before attacking.
- Know resources available for back-up and/or continued training.
 - 1. Pennsylvania Humane Society
 - American Society for the Prevention of Cruelty to Animals (ASPCA or PSPCA)
 - 3. National Animal Control Association (NACA)
 - 4. Philadelphia Animal Welfare Society (PAWS)
 - 5. Officers with special training in animal handling.

II.DOG ENCOUNTERS

A. The Approach

The failure to anticipate the presence of a dog in a location is the biggest mistake an Officer can make. 30% of all households in the United States have dogs.

Be alert to signs that dogs are present: Look for food and water bowls, dog toys, a worn path in the grass or a leash or chain attached to a tree or other anchor. If possible, try to know the property and pets in advance. Animal Behavior experts agree that simple do's and don't's can reduce the chances of a confrontation:

- Always assume that there is a least one dog on location and let it know you are there.
- Always insist the owner confine the animal.
- Don't approach a dog that seems afraid you may unknowingly provoke an attack.
- Don't back a dog into a corner, or make it feel trapped.

Directive 3.20 Animal Control

 Do not exit your vehicle if there is an unfriendly dog in the area.

A dog's behavior does not always predict a threat. Barking does not always mean a dog is aggressive:

- If the dog is contained, barking tells you that it is protecting it's owner and wants you to know it.
- Most Officers who end up shooting a dog report that the dog was barking or growling, though again they are warning you that you are going to have to take control.
- Barking reflects the dog's territorial and protective instincts.
- Dogs react to movement. Try to keep actions slow and nonthreatening.
- Touching the owner, or appearing to do so, can provoke hostility from the dog.

Most Dogs assume postures that may indicate their attitdes:

- BASELINE posture the dog's head is held high, ears are up but not forward, the tail is down and the mouth is relaxed.
- ALERT posture the head is held high, ears are forward, tail is out behind him, mouth is closed and is standing straight "on his toes".
- DEFENSIVE THREAT posture he lowers his body, his hackles are up, the pupils are dilated, ears are back, corners of the mouth are pulled back (may bare teeth), the tail is tucked between legs and the nose is wrinkled.
- OFFENSIVE THREAT posture hackles are up, cars are forward, corners of the mouth are forward, nose is wrinkled, his tail is up and stiff and he's standing tall on his toes
- SUBMISSIVE posture his tail is down, his body lowered, forchead is smooth, he licks at the mouth of the superior dog, he grovels and the corners of his mouth are back.

The hackles up near the tail, ears down, snarling and growling are good predictors of a dog's likely aggression. There are some do's and don'ts of facing a possibly hostile dog:

- · Keep movement to a minimum
- Stand sideways a person is a smaller threat in profile
- Don't extend your hand to a dog unless you have to, then keep your hand in a fist.
- Keep arms, hands near body
- Use a bite stick it can be put in a dog's mouth to distract

him.

- · Don't stare at dog
- Don't smile or show teeth.
- Back slowly away, eyes toward the dog don't turnm and run
- · Don't be afraid to make a tactical retreat or take cover
- Use your baton or asp as a bite stick, or "feed" it some other object.
- · Call for backup know your animal control resources.
- Use pepper spray if needed it can usually at least slow the dog down.

B. TOOLS

Having the right tools, or knowing how to use ordinary objects, can prevent an attack:

- · Pepper spray
- Noose / snare
- Baton / ASP bear in mind that the act of snapping open the ASP can startle and distract the dog.
- CO2 fire extinguishers spray smells and tastes bad, is cold and creates a disorienting cloud around the dog.

The Force Continuum is the same when dealing with animals.

Officers begin with the least physically harmful means of control then increase force as warranted:

- Calming behavior talk quietly and move slowly
- Commands familiar words firmly delivered may work.
- Isolation without backing the dog into a corner, wrangle it away from other people.
- Chemical (Pepper spray), Electronic (Taser), Sonic (sudden, loud noise), physical repellants (noose, baton)

When an attack is imminent or in progress, and these means have failed, lethal force is the last but only option.

C. PIT BULLS AND LARGE DOGS

Every dog has the potential to bite. No breed is guaranteed to be more or less aggressive than other breeds, despite myths to the contrary. For example:

Pit Bulls:

- Are naturally people friendly
- Will not challenge strangers unless they have not been

Directive 10.1 Discharge of Firearms

Directive 10.2 Directive 10.3 Use of Force properly socialized.

- Are fiercely loyal, tenacious and intelligent.
- · ideal characteristics for training to fight or as a guard dog
- are often great family pets
- must be trained to attack it does not come naturally
- · are often trained to protect people or property
- often wag their tails before, just before or after they attack
- certain postures in a pit bull (tail high, short movements) may signal dominance, not friendliness.

Rottweilers:

- are generally not very social
- don't like to take orders from strangers, or sometimes from their owners
- are to be taken seriously when they growl

Dobermans:

often do not growl or show aggression before attack.

D. PROTECTING YOURSELF

Dogs on their best behavior and well-trained are loving, loyal and protective. However, their instincts can not be ignored. Officer Safety is always the FIRST PRIORITY! Although dogs often attack without warning, as fighting dogs are trained to do, it is essential to recognize animal behaviors and respond appropriately. Just the presence of one or more dogs can intimidate an Officer so much that he or she may overreact. Some simple rules to remember:

- "Be a Tree" Stand still
- Fight back if necessary
- Retreat if necessary
- Turn to your side, stand in profile
- Protect your face and throat
- Brace yourself against something solid if possible
- You are more vulnerable when on the ground, but protect yourself by curling up in the fetal position.
- · Cover your throat and ears with fists.
- Do not expose fingers.

Be prepared:

- Know what you're walking in to and be prepared to respond accordingly.
- Know the history of that address and the animals that live there.

Use lethal force only as last resort.

HL REVIEW

- Use Caution
- · Learn and read dog's body language
- Avoid eye contact
- Stand still
- · Talk to the dog
- Use firm verbal commands
- Allow dog to retreat
- Be prepared
- Use lethal force as a last resort Remember people treat animals like they are members of their family. How would you feel if someone shot your family member?

IV. ADDITIONAL INFO

National Animal Control Association PO Box 480851 Kansas City, Mo 64148 Phone # 913-768-1319 Email: naca@interserv.com

Pennsylvania SPCA 350 E. Erie Ave Philadelphia PA Phone# 215-426-6304 Email: Info@pspca.org

Philadelphia Animal Welfare Society (PAWS) 111 W. Hunting Park Ave Philadelphia, PA 19140 Phone# 267-385-3800 www.acctphillyorg

EXHIBIT "X"

Transcript of the Testimony of: **Detective Timothy Scally**

Date: September 28, 2023

Case: Alvarado v. City of Philadelphia, et al

Diamond Court Reporting Phone: 856-589-1107

Fax:856-589-4741

Email:dcr.diamond@comcast.net

IN THE COURT OF COMMON PLEAS PHILADELPHIA COUNTY, PENNSYLVANIA

- - -

FELISHATAY ALVARADO : JUNE TERM, 2022

:

vs.

CITY OF PHILADELPHIA, et al : NO. 1633

- - -

THURSDAY, SEPTEMBER 28, 2023

- - -

Videotaped Oral Deposition of

DETECTIVE TIMOTHY SCALLY, taken at Victims'

Recovery Law Center, The North American Building,

121 South Broad Street, 18th Floor, Philadelphia,

Pennsylvania, commencing at 1:00 p.m., before

Denise Weller, a Professional Shorthand Reporter

and Notary Public in and for the Commonwealth of

Pennsylvania.

- - -

DIAMOND COURT REPORTING
406 Redbud Lane
Mantua, New Jersey 08051
(856) 292-4292
dcr.diamond@comcast.net

			Page 2		Page 4
1	APPEARAN	CES:		1	
2	VICTIMS' D	ECOVERY LAW CENTEI	0	2	PROCEEDINGS
3		WEST, ESQUIRE	· ·	3	
4	The North A	merican Building		4	(Whereupon, Exhibit Scally-1 was
5	121 South Bi 18th Floor	road Street		5	premarked for identification.)
	Philadelphia,			6	
6	(215) 546-14 Keith@victin	nrecoverylaw.com		7	(It is hereby stipulated and agreed
7	Attorney for			8	by and between counsel that signing,
8	CITY OF PH	IILADELPHIA		9	sealing, filing and certification are
9	LAW DIVIS	ION	m. F	10	waived; and that all objections, except as
10	BY: ADAM 1515 Arch S	R. ZURBRIGGEN, ESQU treet	IRE	11	to the form of the questions, are reserved
	14th Floor			12	until the time of trial.)
11	Philadelphia, (215) 683-51			13	
12	Adam.zurbri	ggen@phila.gov		14	THE VIDEOGRAPHER: Deposition of
13	Attorney for	the Defendants		15	Police Detective Timothy Scally, badge
		-		16	number 791.
14	ALSO PRES	ENT		17	THE WITNESS: Correct.
15		itcherman, Video Operator		18	THE VIDEOGRAPHER: This, the
16 17				19	audio/video deposition for use at trial in
18				20	the matter of Alvarado versus City of
19 20				21	Philadelphia, et al, Philadelphia Court of
21				22	Common Pleas, docket number 220601633.
22 23				23	And I'm the video operator. My name
24				24	is Courtney Kitcherman. And I am employed
			Page 3		Page 5
1		INDEX		1	by the Victims' Recovery Law Center. My
2				2	address is 121 South Broad Street, 18th
3	WITNESS	1	PAGE	3	Floor, Philadelphia, Pennsylvania, 19107.
4				4	Today's date is September 28th, 2023 at 1:03
5	DETECT	IVE TIMOTHY SCA	LLY	5	p.m.
6	(By Mr.	West)	5, 80	6	This deposition is being performed
7	(By Mr.)	Zurbriggen)	80	7	in person. The caption of this case is
8				8	Alvarado versus City of Philadelphia, et al,
9				9	Philadelphia Court of Common Pleas, docket
10				10	number 220601633. The witness being deposed
11				11	today is Detective Timothy Scally, badge
12				12	number 791. This deposition is being taken
13		EXHIBITS		13	on behalf of Plaintiff Felishatay Alvarado.
14	NO.	DESCRIPTION	PAGE	14	The officer taking this deposition is Denise
15	0 11 1	G	4	15	Weller. And she shall swear the witness in
16	Scally-1	Statement	4	16 17	at this time.
17 18	Scally-2	Google Map	64	18	DETECTIVE TIMOTHY COALLY after
T Q	Scally-3	Search Warrant	64	19	DETECTIVE TIMOTHY SCALLY, after
				20	having been first duly sworn, was examined and testified as follows:
19				20	and testified as follows:
19 20					
19 20 21					 EXAMINATION
19 20 21 22				22	EXAMINATION
19 20 21 22 23				22 23	
19 20 21 22				22	EXAMINATION BY MR. WEST:

2 (Pages 2 to 5)

Page 6 Page 8 1 1 Q. Good afternoon, Detective Scally. that's not what happened, anything like that? 2 2 A. Good afternoon. 3 3 Q. Okay. So besides Scally-1 and then Q. My name is Keith West. I am one of the 4 4 attorneys representing plaintiff in this case, Ms. Detective Graf's statement, was there anything 5 5 else you reviewed? Alvarado. Have you ever been in a deposition 6 6 A. No. before? 7 7 Q. Is there any video -- so strike the A. Yes. 8 question. 8 Q. How many times have you been deposed? 9 I can represent to you this lawsuit 9 A. I would say anywhere between three to 10 arises from a warrant enforcement action that 10 five times or more. 11 occurred at 4664 Torresdale Avenue in early June 11 Q. Okay. Just really quickly, you're 12 2021. 12 probably familiar with the procedure. We just 13 A. Yes, I recall. 13 have a few standard instructions and questions we 14 Q. Is there any video of any part of that 14 put on every time. 15 15 A. Yes. 16 MR. ZURBRIGGEN: Object to form. 16 Q. Don't read anything into them. 17 Detective, to the extent you know. 17 Are you under the influence of any sort 18 THE WITNESS: That we -- no. No. 18 of illness, medication, substance, anything that 19 Are you referring to the homicide 19 would impair your ability to testify truthfully 20 investigation or when we hit the house with 20 today? 21 the --21 A. No. 22 BY MR. WEST: 22 Q. Okay. And you have had a chance to 23 Q. The warrant enforcement. 23 confer with your attorney and you're ready to 24 A. I'm sorry. You said warrant enforcement. 24 proceed, correct? Page 7 Page 9 1 1 A. Yes. No. No video. 2 2 Q. Did you review any documents, videos, Q. Did any video capture any part of that 3 photography, anything in anticipation of today's 3 like when the door got opened or anything like 4 testimony? 4 that? 5 A. Yes. 5 A. I wasn't anywhere near there. 6 6 Q. What did you review? Q. Okay. 7 7 A. I reviewed my statement to internal A. No. I have no idea. 8 8 affairs. Q. Is there any video that captures that? 9 9 Q. Is that it? A. Not that I know of. 10 10 A. I believe I also read Detective Graf's MR. ZURBRIGGEN: Same objection. 11 11 interview with internal affairs. BY MR. WEST: 12 12 Q. Detective Grace? Q. Okay. All right. Were you at the 13 13 A. Graf. staging area prior to the executing of the search 14 14 Q. Graf, G-R-A-F, right? warrant? 15 15 A. Yes. A. Yes. 16 Q. Is that it? 16 Q. Okay. And what time do you think you 17 A. That's it. 17 arrived that day? 18 Q. Okay. I have premarked as Scally-1 as an 18 A. I don't know exactly. But normally we 19 19 exhibit something that we have, an internal meet at 5:30 a.m. And we meet at like you said, 20 2.0 affairs statement. Is this what you reviewed? at a staging area. 21 21 A. Yes. Q. Uh-huh. 22 22 Q. All right. When you reviewed it, was A. And then go as one to where we are going 23 there anything that you felt was inaccurate? Did 23 to execute the search warrant. you look at this and say that's not what I said or 24 Q. Okay. And somehow I got -- I jumped

3 (Pages 6 to 9)

Page 10 Page 12 1 into -- just a few -- you're fine. Just a few 1 MR. ZURBRIGGEN: Object to the form. 2 2 other things I should tell you. But Detective, you can answer. 3 3 THE WITNESS: Yes. So we don't intend for this to be an 4 unnecessarily uncomfortable -- this isn't like at 4 BY MR. WEST: 5 5 least the police interrogations that you see in Q. Okay. Are you the most senior homicide 6 6 the movies. So if you want to take a break at any detective at this time? 7 7 time, you want a cup of coffee, anything, just let A. You would think I was, but I am not. 8 8 us know, okay? O. Okay. 9 A. Okay. And I didn't take any offense to 9 A. There's a few -- I am getting there, 10 10 those questions in the beginning, because I ask though. Yes. There's three or four guys that 11 11 the same ones. have been there a little bit longer than me. 12 12 Q. Exactly. Likewise, you know, if you get Q. All right. So what did you guys discuss 13 13 asked any questions that you're having trouble at the staging area? 14 understanding, just don't answer them. We will be 14 A. I wasn't there. Detective Graf talked to 15 15 glad at any time to try to speak louder, slower, the SWAT supervisor. And then I was -- I believe 16 rephrase questions if possible, anything like 16 I was staying by the car. And then when he was 17 17 done talking to the supervisor, we got in, you that. 18 So if you have any trouble with a 18 know, the cars and then we left. 19 question, just ask it to be repeated. Otherwise, 19 Q. Okay. At some point the property was 20 if you do answer it, we assume that you understand 20 breached, correct? 21 21 it, okay? A. Correct. 22 A. Okay. 22 Q. Did you personally witness that? 23 23 Q. When did you join the Philadelphia Police A. Yes. In a sense I did, yes. Can I 24 Department? 24 explain? Page 11 Page 13 1 1 A. June 26th, 1995. Q. Yes, please. 2 2 Q. Okay. And you're a homicide detective, A. We were -- we don't go with SWAT. We 3 correct? 3 stayed behind a little bit, like a safe area so we 4 4 A. Correct. don't mess up with what they are doing and you 5 5 Q. How long have you been a homicide know, put ourselves in any type of danger. So we 6 6 were literally -- forgive me, but I don't know the detective? 7 7 A. 18 years. street that cuts across. But we were on the 8 8 Q. And that is not just a detective in corner. So I did -- SWAT was already going into 9 9 general, that is actually with the homicide unit? the house when I walked up to the corner to where 10 10 A. Yes. So I did seven years in the 23rd we are going to stay in a safe place away. 11 11 District as a patrol officer. Three years at I did see SWAT pull up on Torresdale 12 Central Detectives as a detective assigned there. 12 Avenue and then enter the house. 13 Q. Okay. 13 Q. Okay. 14 14 A. And then the rest of my career has been A. Like we were kind of off a little bit. I 15 15 in the homicide unit going on 19 years. remember hearing them do their normal, you know, 16 Q. Right. So even as of June 2021, you had 16 search warrant, search warrant and then hear the 17 a lot of experience with preparing arrest and 17 door get kicked in, I guess. But --18 18 search warrants, correct? Q. Okay. Did anybody knock on the door 19 19 prior to the door being breached? A. Correct. 20 2.0 Q. All right. Is it your -- is it your A. You do hear a bang, bang, bang a few 21 21 belief that you're familiar with any policies or times and then you hear search warrant. 22 22 procedures that exist at the Philadelphia Police Q. Specifically on June 4th, 2021 did you 23 Department with regards to the preparation of 23 hear -- sorry. Strike the question. 24 24 search and arrest warrants? Specifically on June 4th, 2021 did you

	Page 14		Page 16
1	see anyone knock on the door at the 4664	1	Q. Okay. Under the training that you have
2	Torresdale Avenue property before the door was	2	received from the Philadelphia Police Department,
3	breached?	3	do you have any understanding whether or not the
4	A. I did not see them knock.	4	knock an announce rule is a constitutional
5	Q. Okay.	5	requirement?
6	A. I heard them.	6	MR. ZURBRIGGEN: Object to the form.
7	Q. Okay. So you specifically did hear	7	But Detective, again, if you know.
8	someone knock?	8	THE WITNESS: I don't believe it is.
9	A. Yes.	9	BY MR. WEST:
10	Q. Okay. And you heard the door when it got	10	Q. So your understanding is that there's no
11	rammed open, correct?	11	constitutional requirement to knock and announce
12	A. Correct.	12	before entering a property?
13	Q. How much time passed between the door	13	MR. ZURBRIGGEN: Same objection.
14	getting knocked on and the door getting breached?	14	But Detective, to the extent that you know.
15	A. I would have to say because they are	15	THE WITNESS: I don't know if it is
16	pretty meticulous about it, they really hit the	16	or not.
17	door hard. I would say from where we walked up,	17	BY MR. WEST:
18	they were already hitting it and announcing. So I	18	Q. Okay. Did you ever receive any training
19	would say anywhere from 15 to 30 seconds.	19	from the Philadelphia Police Department with
20	Q. Okay. Is it possible it was less than	20	regards to what the purpose of the knock and
21	that?	21	announce rule is?
22	MR. ZURBRIGGEN: Object to the form.	22	MR. ZURBRIGGEN: Same objection.
23	Detective, to the extent you know.	23	But Detective, you can answer.
24	THE WITNESS: I don't think so, no.	24	THE WITNESS: I don't believe I
	Page 15		Page 17
	3		1490 17
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1 2	BY MR. WEST: Q. Okay. Have you ever heard of anything	1 2	
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. WEST: Q. Okay. Have you ever heard of anything called the knock and announce rule? A. Yes. Q. What is it? A. That is what I basically described, a knock and announce what they are here for. Usually it's a search warrant or arrest warrant. And then they wait a certain amount of minutes or not minutes, but time. And then they breach the door. Q. Okay. And how long are people supposed to wait pursuant to the knock and announce rule? MR. ZURBRIGGEN: Object to the form. But Detective, if you know. THE WITNESS: I don't believe there is — I don't actually do that. But I don't believe there's a set amount of seconds you have to count off. I think it is also safety reasons as well. But it's an amount of time that maybe somebody can get up and open up the door before they put the door	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	received any specific training of why there's a knock and announce rule. BY MR. WEST: Q. Did you ever receive any specific training from the Philadelphia Police Department with regards to the knock an announce rule in general? MR. ZURBRIGGEN: Same objection. But Detective, you can answer. THE WITNESS: I may have, but I don't recall when. BY MR. WEST: Q. Okay. So as far as you're aware, is there any is the knock and announce rule just something that normally happens or is it a requirement? MR. ZURBRIGGEN: Object as asked and answered. But Detective, you can answer. THE WITNESS: I believe the Philadelphia Police Department requires that. BY MR. WEST:

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Page 18 Page 20 1 1 A. For any -- Detective Graf's to. Detective Graf has an opportunity, I believe 2 2 investigation. I am his partner. And he had the he has a program he has access to called Clear. 3 3 package to delivered to the SWAT supervisor. Like And you put the name in there and see if it comes 4 copies -- if they wanted any copies of the search 4 back with any type of addresses, prior arrests, 5 5 warrant or arrest warrant or pictures of who we any address. 6 6 are looking for. Q. Did you personally do any such search? 7 7 Q. You said -- I'm sorry. I am little A. I believe I did the BMV check. That is 8 8 tired. Did you say package? probably in here. The license check, gun permit 9 A. We always bring an envelope with us, just 9 checks, probationary, real estate. Like I said, 10 10 in case. How it works is we will fax over all -any type of computer check that would give us 11 11 like our search warrants and/or our arrest information where he was living. 12 12 warrants with the affidavit and everything. And Q. Okay. So you personally did the 13 13 sometimes they bring it with them, sometimes they probation check? 14 don't. So we like to have a copy if they want it. 14 A. Yes. 15 15 Q. Yeah. I want to make sure I'm using the Q. Okay. And you knew that Mr. had been 16 right word. You said package, right? 16 a house arrest, correct? 17 17 A. Yes. MR. ZURBRIGGEN: Object to form, but 18 Q. Okay. So when you referred to the 18 Detective, if you know. 19 package, what all did that contain? 19 THE WITNESS: I didn't -- I don't 20 A. It's a brown envelope filled with copies 20 recall if I knew he was on house arrest or 21 21 of the search warrant and the -- if there's an not. But I believe that the address came 22 arrest warrant as well. And what I like to bring 22 back to that, the address that we eventually 23 23 with me is a photo of the individual I have the got the search warrant for. 2.4 arrest warrant for. 24 BY MR. WEST: Page 19 Page 21 1 Q. All right. If a suspect had been at any Q. Okay. Would there have been any sort of 2 2 like maps in that package? point in the past on house arrest, that is 3 A. No. 3 something that you would have been able to find in 4 4 Q. Any sort of instructions as far as how your records, right? 5 specifically to enter the 4664 Torresdale Avenue 5 MR. ZURBRIGGEN: Same objection. 6 6 property? But Detective, you can answer. 7 A. No. THE WITNESS: Yes. We would look to 8 8 see if they were on any type of probation. Q. Okay. Anything else in the brown 9 9 BY MR. WEST: envelope besides what we covered? 10 10 A. That's it. Q. And you're aware that in the City of 11 11 Q. Did you -- did you do any sort of Philadelphia, if someone is on house arrest that 12 investigation to figure out -- strike the 12 means that somebody from the Probation and Parole 13 13 question. Let me lay a foundation. Office would have had to have done a physical 14 14 My understanding is that the suspect was inspection of the house, correct? 15 15 MR. ZURBRIGGEN: Object to the form. named Is that your understanding? 16 16 Detective, if you know. A. Yes. 17 Q. Did you personally do any sort of 17 THE WITNESS: I am not -- I don't 18 investigation to learn where might be 18 understand the policies of the probation 19 19 officers. But in the past I've known residing at that time? 20 2.0 A. We would have done any type of BMV that -- even during because of COVID as 21 21 checks, which is Bureau of Motor Vehicles, for well, that they were not going out to 22 22 driver's license. See if that driver's license people's houses. Everything was done via 23 23 cell phone. Or they would do Zoom is what I came back if he has been arrested in the past. We 24 24 believe. do a prison release to see where he was released

6 (Pages 18 to 21)

Page 22 Page 24 1 1 BY MR. WEST: us. 2 2 Q. Okay. But prior to COVID. But the -- I have gone through the 3 3 A. Yes. Prior to COVID, my belief -- my state and they have helped us as well. But 4 understanding is that they were supposed to have a 4 it all depends on what their policies are 5 5 land line that they would have to be able to be with us. If I am looking for somebody, I 6 6 contacted with probation. Other than that, I would -- if they are on probation, I would 7 7 don't believe since then they have been doing find out how long their probation is, if 8 8 that. they have an anklet, that kind of stuff. 9 Q. Right. 9 BY MR. WEST: 10 10 A. They could have gone back to it now. I Q. Have you ever contacted a homicide 11 11 don't know. suspect's probation officer and asked for 12 12 Q. But prior to COVID -- strike the information about the physical layout of the house 13 13 where the suspect had been residing? question. 14 You were aware of the fact that prior to 14 A. No. 15 15 COVID if someone was placed on house arrest, that Q. No? 16 would mean that somebody from the Probation and 16 A. No. I have asked where they live, what 17 17 Parole Department would have to -- would go out their address is. 18 and physically inspect the house, correct, where 18 Q. Okay. You have never asked how to 19 the person was going to be living? 19 physically enter the property? 20 MR. ZURBRIGGEN: Object to the form. 20 A. No. 21 21 Q. When you obtain a search warrant for a THE WITNESS: The only thing I know 22 about that is they had to have a land line 22 property, you understand that that means that at 23 23 that probation can contact. I don't know if some point some police officer or member of the 24 they actually do a physical check. But I do 24 SWAT Unit is going to have to enter that property, Page 23 Page 25 1 1 know they had to produce a land line. correct? 2 2 BY MR. WEST: MR. ZURBRIGGEN: Object to the form. 3 Q. If you were looking for a suspect who was 3 Detective, you can answer. 4 4 on probation, wouldn't contacting the Probation THE WITNESS: Including myself, yes. 5 and Parole Office be a good source of information 5 BY MR. ZURBRIGGEN: 6 6 about how to find that suspect? Q. Okay. So as part of obtaining a search 7 7 MR. ZURBRIGGEN: Object to form. warrant, wouldn't you want to get all of the 8 8 Detective, you can answer. information available to you as far as how to 9 9 THE WITNESS: Unfortunately, I have physically access the property? 10 10 MR. ZURBRIGGEN: Object to the form. done this personally with my investigations. 11 11 And the Philadelphia Probation Department in But Detective, you can answer. 12 12 THE WITNESS: When we fill out the the past -- like I said, I have been there 13 13 18 years. In the beginning they would work search warrant itself prior to that we do 14 14 with us. In the past probably 10 years or what -- what the outside of the house, I 15 15 seven years they have been restricted on how guess, would look like. We look -- we do 16 16 much they can help us. computer checks on like Google Maps or do 17 17 They don't want us coming over to physical drive by, to that sense. 18 their offices to wait for people to bring 18 But we never really go in any 19 19 them in to be interviewed or being arrested. like -- I never got any type of diagrams 2.0 2.0 They requested if we do anything like that about inside or asked or tried to, you know, 21 21 we do it outside. Some will and some won't. if there was something interesting or 22 22 They won't call them in for us. So it's something that was stand out on the facade 23 23 kind of an interesting -- like I think they of the house or you know, we would then make 24 24 note of that. have their own policies with dealing with

7 (Pages 22 to 25)

	Page 26		Page 28
1	BY MR. WEST:	1	Q. When you used Google Maps, what view did
2	Q. Okay. But if you had access to some	2	you look at?
3	person who could tell you how to physically enter	3	A. The view from Torresdale Avenue.
4	the property, wouldn't you like to ask that	4	Q. The street view?
5	person?	5	A. Yes.
6	MR. ZURBRIGGEN: Object to the form.	6	Q. Did you look at an overview?
7	But Detective, you can answer.	7	A. No.
8	THE WITNESS: We would I don't	8	Q. Okay. This is a picture we previously
9	know if I don't understand the I	9	marked as Exhibit Graf-4. Let the record reflect
10	wouldn't ask a person how to get into a	10	you're looking at Graf-4.
11	place, because we are going to get into the	11	A. That's fine.
12	place. Like we are going to use SWAT and we	12	Q. You have never seen this before, right?
13	are going to knock on the door via the	13	A. No.
14	search warrant.	14	Q. Is there any reason why you didn't look
15	BY MR. WEST:	15	at an overview Google Map of the property?
16	Q. Okay. What about in buildings where	16	MR. ZURBRIGGEN: Object to the form.
17	there are multiple residences in the same	17	Detective, you can answer.
18	building, don't you have to use any caution to	18	THE WITNESS: No.
19	avoid entering the residence of a person who is	19	BY MR. WEST:
20	not subject to the warrant?	20	Q. It was available to you and you could
21	MR. ZURBRIGGEN: Object to the form.	21	have got it, correct?
22	Detective, you can answer.	22	A. Correct.
23	THE WITNESS: You want to use as	23	MR. ZURBRIGGEN: Same objection.
24	much caution as you can to limit everyone	24	BY MR. WEST:
	Page 27		Page 29
1	else to protect everyone as well. But we	1	Q. And if you had looked from this Google
2	have had we have done I have done	2	Map view you would have seen that the 4664
3	search warrants in, you know, high rise	3	Torresdale Avenue property had entrances both on
4	apartment buildings. And we would contact	4	Torresdale Avenue itself and then in the alleyway
5	the security or we would try to gain entry	5	off Margaret Street, correct?
6	through the lobby and go up the elevator or	6	MR. ZURBRIGGEN: Object to the form.
7	stairs so we would know exactly what	7	But Detective, to the extent you can tell.
8	apartment we are going to.	8	THE WITNESS: Yes.
9	BY MR. WEST:	9	BY MR. WEST:
10	Q. Okay. So as you're trying to use caution	10	Q. Actually, I think I am going to ask you
11	in this kind of situation, if the suspect is on	11	to mark this because previous previously I
12	probation, isn't it just obvious that you should	12	think you testified that you were standing a safe
13	ask the probation officer how to enter the	13	distance at the time of the breach, right?
14	property?	14	A. Correct. I can show you exactly where I
15	MR. ZURBRIGGEN: Object to the form.	15	was.
16	But Detective, you can answer.	16	Q. Yeah. Can you mark with this blue pen
17	THE WITNESS: Not that specific	17	where you were physically located at the time the
18	question.	18	door was breached?
19	BY MR. WEST:	19	A. I just put an x right there.
20 21	Q. Okay. Did you use Google Maps?	20	Q. Yes. Let me see. Check to see if this
22	A. I did.	22	is going to be big enough.
23	Q. Did you did you know whether or not	23	A. I can make it bigger.
24	this property had a rear door prior to the breach? A. I did not.	24	Q. Yeah. It's a little hard to see. If you can make it bigger.
27	A. Tulu liot.	2-1	can make it bigger.
Ц		<u> </u>	

8 (Pages 26 to 29)

Page 30 Page 32 1 1 A. Okay. the 4664 Torresdale Avenue property off Margaret 2 2 Q. And then in between you and the 4664 3 Torresdale property, there was located the deli, 3 MR. ZURBRIGGEN: Same set of 4 4 objections. And object as asked and 5 A. I wouldn't -- the mini deli -- the mini 5 answered. Detective you can answer again. 6 mart is on the corner here. 6 THE WITNESS: Yes. 7 Q. Right. That's the corner in between you 7 BY MR. WEST: 8 and 4664 Torresdale Avenue, right? 8 Q. Okay. And I will show you, this has been 9 A. Yes. 9 marked as Graf-6. It's been marked as Shannon-1. 10 Q. Sir, I can represent to you that we have 10 There's other exhibits to be marked as well. 11 deposed the probation officer Shannon -- Mrs. 11 I am pointing you to page 21. It's a 12 Shannon. Strike the question. Strike that. I 12 highlighted portion. It's highlighted at previous 13 think -- I am not sure if she is married. 13 depositions. 14 I can represent to you that we have 14 Sir, doesn't this indicate that in April 15 deposed the probation officer Ms. Shannon. And 15 2019 when the Probation and Parole Office went out 16 she provided us with records showing that the 16 and inspected the property, they learned that the 17 probation officer was aware that the entrance to 17 second floor apartment was accessible only from 18 apartment was through the alleyway off 18 the rear entrance off Margaret Street? 19 Margaret Street. Did you know that? 19 MR. ZURBRIGGEN: Objection to the 20 MR. ZURBRIGGEN: Object to the 20 form. Detective, if you know. 21 characterization. And object to the form. 21 BY MR. WEST: 22 Detective, you can answer. 22 Q. If you can look at that. 23 THE WITNESS: I did not know that. 23 MR. ZURBRIGGEN: And take all of the 24 BY MR. WEST: 24 time you need. Page 31 Page 33 1 1 BY MR. WEST: Q. Okay. If you had known that, would you 2 2 believe it would have been more proper to breach Q. So Detective Scally, if you had obtained 3 the rear door or the Torresdale Avenue door of 3 that information --4 4 4664 in carrying out the warrants at issue in this A. I'm not ready yet. 5 5 Q. Okay. case? 6 6 MR. ZURBRIGGEN: Same set of A. I am not familiar with this form or this 7 7 objections, but Detective, you can answer, piece of paper. So I am reading the whole thing. 8 8 Q. Okay. 9 9 THE WITNESS: If I know -- if I knew A. Okay. 10 10 what I know now, that the only entrance to Q. Sir, I think you said you're not familiar 11 11 the second floor apartment is in through the with that form. Have you ever looked at probation 12 rear, then that is where we would have made 12 records before? 13 13 our entry. A. I have not seen probation records. I 14 BY MR. WEST: 14 have seen juvenile probation records where the 15 Q. All right. Detective Scally, if you can 15 probation officer has his or her notes. But I 16 just answer the question I am asking you. 16 don't believe I ever got an extensive background 17 17 A. Oh, I'm sorry. from a probation officer. 18 18 Q. If you had obtained from the probation Q. Okay. And is not the only 19 19 officer the information known to the Probation and suspect that you have obtained a warrant for where 20 20 Parole Office that the entrance to Mr. you got the address from a probation officer, 21 21 apartment was through the rear entrance off right? 22 22 Margaret Street, would that have informed you to A. We didn't get -- we didn't get the 23 know that the warrants at issue should have been 23 specific address from -- I mean, from the 24 24 enforced only by entering through the rear door of probation officer himself. We got it from

Page 34 Page 36 1 1 probation when we looked up on the computer check. as you can include trying to get all of the 2 2 Q. Sure. Let me rephrase the question. The information available to the Probation and Parole 3 3 is not the first time that you Office? case of 4 4 have obtained an address for a suspect from the MR. ZURBRIGGEN: Same objection. 5 5 Probation and Parole Office, correct? Detective, you can answer. 6 6 THE WITNESS: What we needed from MR. ZURBRIGGEN: Object to the form 7 the probation officer is the address of of the question. 8 the -- you want the address to match all of 8 THE WITNESS: That is correct, no. 9 the other addresses. 9 BY MR. WEST: 10 BY MR. WEST: 10 Q. Okay. So that is something that happens 11 Q. Right. But the Probation and Parole 11 fairly frequently, correct? 12 Office also knew how to get into the apartment, 12 MR. ZURBRIGGEN: Same objection. 13 correct? 13 Detective, you can answer. 14 MR. ZURBRIGGEN: Object to the 14 THE WITNESS: Yeah, if you're on 15 characterization. Detective, if you know. 15 probation -- you would do a computer check 16 THE WITNESS: I wouldn't know what 16 on every person that you're going to be 17 they know. 17 involved in. So you want to do a background 18 BY MR. WEST: 18 check. That is part of it. You 19 Q. Isn't that at least a question you should 19 literally -- you contact the probation 20 ask them? 20 officer themselves. Not necessarily, all 21 MR. ZURBRIGGEN: Object to form. 21 depending on what the investigation is 22 Detective, you can answer. 22 bringing how quick it's moving. 23 THE WITNESS: I think in this 23 But if we are out there trying to 24 specific instance, no. I wouldn't have 24 find somebody, even a witness or anybody Page 35 Page 37 1 like that, then yeah, we would call the asked them because we had an address and 2 2 probation officer and say does this person there was nothing that would suggest any 3 come in or is there any problems, is there a 3 other way from looking at the Google Maps or 4 4 warrant for them from you guys or some way anything else that there would be -- the 5 5 only access would be from the rear. to try to get that person to come in and 6 6 BY MR. WEST: turn themselves in. 7 7 Because yes, so that is -- I think Q. Okay. So you knew that it was the rear 8 8 it's a case by case basis. But it is part apartment? That is actually on the warrant, 9 9 of trying to locate somebody's information. correct? 10 10 BY MR. WEST: MR. ZURBRIGGEN: Object to the form. 11 11 Q. Now, when you're preparing a warrant, are Detective? 12 12 THE WITNESS: Second floor. Second you supposed to obtain all information available 13 13 to you that would describe the physical location floor rear I believe that is what it said. 14 14 BY MR. WEST: of where the person subject to the warrant is 15 15 located and how to access that location? Q. Now, I know you have testified earlier 16 MR. ZURBRIGGEN: Object to the form 16 today that you personally were unaware that there 17 17 even was a rear door. of the question. 18 18 THE WITNESS: There's no specific But if you had known that there was a 19 19 policy. But you want to be as thorough as rear door, would that have made you at least 2.0 2.0 you can. consider the possibility that the proper entrance 21 21 BY MR. WEST: to the second floor rear apartment was through the 22 22 Q. As thorough as you can? rear door? 23 23 A. Yes. MR. ZURBRIGGEN: Object to the form. 24 24 Q. All right. So wouldn't being as thorough Detective, you can answer.

10 (Pages 34 to 37)

	Page 38	Page 40
1	THE WITNESS: No.	1 answer.
2	BY MR. WEST:	THE WITNESS: I believe well,
3	Q. Okay. Another document, this has been	3 Detective Graf drove by that apartment
4	marked as Graf-5. This is additional records	4 himself. And the mailboxes were still
5	provided to us by the Probation and Parole Office.	there. It was two mailboxes, one and two.
6	This also memorializes that the Probation and	6 And that is the information that we used.
7	Parole Office knew from experience that the	7 BY MR. WEST:
8	entrance to Mr. apartment was through that	8 Q. So the only thing that you did to try to
9	alleyway. Do you see that there?	9 determine where the other apartment was located is
10	MR. ZURBRIGGEN: Objection to the	drive by on Torresdale Avenue?
11	characterization of the record. But	11 A. Correct.
12	Detective, you can	MR. ZURBRIGGEN: Object to the form.
13	THE WITNESS: Yes.	13 THE WITNESS: Yes.
14	BY MR. WEST:	14 BY MR. WEST:
15	Q. So if you had obtained from the Probation	15 Q. Why didn't you contact the property
16	and Parole Office that the entrance to Mr.	Q. Willy didn't you contact the property
17	apartment was through the alleyway, and if you had	16 manager? 17 MR. ZURBRIGGEN: Object to the form.
18	looked at a Google Maps overview like in Graf-4,	18 But Detective, you can answer.
19	would you have concluded that the proper way to	19 THE WITNESS: I didn't know who the
20	get into Mr. apartment was through the	
21		property manager was. 21 BY MR. WEST:
22	alleyway off Margaret Street? MR. ZURBRIGGEN: Objection to the	DI WIK. WEST.
23	form. Detective, you can answer if you can.	Q. Do you know does the City of Philadelphia have property records available
24	THE WITNESS: I don't agree with the	24 online?
21	THE WITNESS. Tdoint agree with the	21 Online:
	Page 39	Page 41
	rage 37	1
1	basis of the photo. But with this	¹ A. We not that we would have I think
1 2	_	
	basis of the photo. But with this	A. We not that we would have I think
2	basis of the photo. But with this information, this would have been the proper	1 A. We not that we would have I think 2 we have access to real estate files. And it would
2	basis of the photo. But with this information, this would have been the proper way to execute that warrant.	A. We not that we would have I think we have access to real estate files. And it would have the owner of the property on the real estate
2 3 4	basis of the photo. But with this information, this would have been the proper way to execute that warrant. BY MR. WEST:	1 A. We not that we would have I think 2 we have access to real estate files. And it would 3 have the owner of the property on the real estate 4 file.
2 3 4 5	basis of the photo. But with this information, this would have been the proper way to execute that warrant. BY MR. WEST: Q. The proper way to execute the warrant	1 A. We not that we would have I think 2 we have access to real estate files. And it would 3 have the owner of the property on the real estate 4 file. 5 Q. Okay. This is a document that has been
2 3 4 5	basis of the photo. But with this information, this would have been the proper way to execute that warrant. BY MR. WEST: Q. The proper way to execute the warrant would have been through the rear door, correct? A. Correct. MR. ZURBRIGGEN: Same objection.	A. We not that we would have I think we have access to real estate files. And it would have the owner of the property on the real estate file. Q. Okay. This is a document that has been marked at a lot of depositions. The sticker here
2 3 4 5 6 7	basis of the photo. But with this information, this would have been the proper way to execute that warrant. BY MR. WEST: Q. The proper way to execute the warrant would have been through the rear door, correct? A. Correct.	A. We not that we would have I think we have access to real estate files. And it would have the owner of the property on the real estate file. Q. Okay. This is a document that has been marked at a lot of depositions. The sticker here is Exhibit Graf 2, Exhibit Graf Scott-4. If you can look at that. Let me know, do you recognize strike the question.
2 3 4 5 6 7 8 9	basis of the photo. But with this information, this would have been the proper way to execute that warrant. BY MR. WEST: Q. The proper way to execute the warrant would have been through the rear door, correct? A. Correct. MR. ZURBRIGGEN: Same objection. THE WITNESS: Yes. BY MR. WEST:	A. We not that we would have I think we have access to real estate files. And it would have the owner of the property on the real estate file. Q. Okay. This is a document that has been marked at a lot of depositions. The sticker here is Exhibit Graf 2, Exhibit Graf Scott-4. If you can look at that. Let me know, do you recognize strike the question. If you could look at this document which
2 3 4 5 6 7 8 9 10	basis of the photo. But with this information, this would have been the proper way to execute that warrant. BY MR. WEST: Q. The proper way to execute the warrant would have been through the rear door, correct? A. Correct. MR. ZURBRIGGEN: Same objection. THE WITNESS: Yes. BY MR. WEST: Q. You knew that there were other apartments	A. We not that we would have I think we have access to real estate files. And it would have the owner of the property on the real estate file. Q. Okay. This is a document that has been marked at a lot of depositions. The sticker here is Exhibit Graf 2, Exhibit Graf Scott-4. If you can look at that. Let me know, do you recognize strike the question. If you could look at this document which has been marked as Graf-2, Exhibit Scott-4, and
2 3 4 5 6 7 8 9 10 11	basis of the photo. But with this information, this would have been the proper way to execute that warrant. BY MR. WEST: Q. The proper way to execute the warrant would have been through the rear door, correct? A. Correct. MR. ZURBRIGGEN: Same objection. THE WITNESS: Yes. BY MR. WEST: Q. You knew that there were other apartments in the 4664 Torresdale Avenue building, correct?	A. We not that we would have I think we have access to real estate files. And it would have the owner of the property on the real estate file. Q. Okay. This is a document that has been marked at a lot of depositions. The sticker here is Exhibit Graf 2, Exhibit Graf Scott-4. If you can look at that. Let me know, do you recognize strike the question. If you could look at this document which has been marked as Graf-2, Exhibit Scott-4, and let me know if you know what this is.
2 3 4 5 6 7 8 9 10 11 12 13	basis of the photo. But with this information, this would have been the proper way to execute that warrant. BY MR. WEST: Q. The proper way to execute the warrant would have been through the rear door, correct? A. Correct. MR. ZURBRIGGEN: Same objection. THE WITNESS: Yes. BY MR. WEST: Q. You knew that there were other apartments in the 4664 Torresdale Avenue building, correct? MR. ZURBRIGGEN: Object to the form.	A. We not that we would have I think we have access to real estate files. And it would have the owner of the property on the real estate file. Q. Okay. This is a document that has been marked at a lot of depositions. The sticker here is Exhibit Graf 2, Exhibit Graf Scott-4. If you can look at that. Let me know, do you recognize strike the question. If you could look at this document which has been marked as Graf-2, Exhibit Scott-4, and let me know if you know what this is. A. I don't know. I mean, it's obvious it's
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11 (Pages 38 to 41)

	Page 42	Page 44
1	you know.	1 BY MR. WEST:
2	THE WITNESS: Not what I just	² Q. All right. Sir, I will show you a
3	previously said, no.	document. It's been previously marked as Exhibit
4	BY MR. WEST:	4 Scott-1 and Exhibit Hamoy-2.
5	Q. If you had known who the property manager	5 Do you recognize what this is a picture
6	was, would you have contacted that person?	6 of?
7	A. I probably would have not.	7 A. That is Torresdale Avenue. And this is
8	Q. Why not?	the address, 4664 Torresdale.
9	A. Because I didn't want to, for safety	9 Q. Okay. And is the door in the yellow
10	reasons, I wouldn't have called ahead to say we	circle the Torresdale Avenue entrance to the 4664
11	are going to be coming and hit one of your	11 Torresdale property?
12	apartments.	12 A. Yes.
13	Q. So it doesn't matter if the property	13 MR. ZURBRIGGEN: Objection to the
14	manager's identity was available to you, you	14 form. Just for the record.
15	weren't going to call the property manager anyway,	15 MR. WEST: Can I ask why you
16	correct?	objected to that?
17	MR. ZURBRIGGEN: Object to form.	17 MR. ZURBRIGGEN: Yeah. Just to the
18	Detective, you can answer.	18 extent that that is clear on the exhibit.
19	THE WITNESS: I would have not.	19 THE WITNESS: I mean, I see the
20	BY MR. WEST:	mailboxes. And I know to the right of the
21	Q. Was it strike the question.	mailbox, that is where the door is.
22	When you saw the entrance located on the	BY MR. WEST:
23	Torresdale Avenue side of the building, could you	23 Q. You recognize it, right?
24	tell whether or not that door led to a portion of	24 A. Yes.
	ten whether of not that door led to a portion of	71. 103.
		7. 45
	Page 43	Page 45
1	Page 43	Page 45
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12 (Pages 42 to 45)

	Page 46		Page 48
1	windows visible in the yellow circle were	1	Q. Is there anything in this world that
2	occupied?	2	would have made you consider the possibility that
3	MR. ZURBRIGGEN: Objection to the	3	this door led into an occupied area?
4	form of the question. Detective, if you	4	MR. ZURBRIGGEN: Same objection.
5	know.	5	Detective, you can answer.
6	THE WITNESS: I don't know.	6	THE WITNESS: During this
7	BY MR. WEST:	7	investigation I was surprised that the only
8	Q. Not to your knowledge, correct?	8	way to enter that second floor was through
9	A. Not to my knowledge.	9	the rear through the rear.
10	MR. ZURBRIGGEN: Same objection.	10	Through my experience, I truly
11	BY MR. WEST:	11	believed that that door would have led into
12	Q. Okay. Looking at this picture marked	12	a vestibule area that led into the other
13	Hamoy-2 and Scott-1, do you think it's reasonable	13	apartments.
14	to believe that that door led to the second floor	14	BY MR. WEST:
15	of this building?	15	Q. Based on your understanding of the
16	MR. ZURBRIGGEN: Objection to the	16	policies and procedures of the Philadelphia Police
17	form of the question. Detective, if you	17	Department if the officers at any point had
18	understand you can answer.	18	learned that the area behind the door on the
19	THE WITNESS: It's been my	19	Torresdale Avenue entrance was occupied pursuant
20	experience that it would, yes.	20	to the warrants that were obtained for the second
21	BY MR. WEST:	21	floor rear apartment, could they legally proceed
22	Q. You don't believe that it led to this	22	and enter the apartment?
23	area marked as green, which is one floor tall?	23	MR. ZURBRIGGEN: Objection to the
24	MR. ZURBRIGGEN: Same objection.	24	form.
	- 45		
	Page 47		Page 49
1		1	Page 49 THE WITNESS: I don't understand
1 2	Detective, you can answer. THE WITNESS: I believe that my	1 2	
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2	Detective, you can answer. THE WITNESS: I believe that my	2	THE WITNESS: I don't understand what I don't understand the question.
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Page 50 Page 52 1 1 Q. Right. If you knew that the Torresdale went into the building, at my vantage point they 2 2 Avenue door led directly into an apartment on the did come around the corner and then go up through 3 3 first floor, you would know that you cannot walk the alley or the breezeway and entered the 4 through that door, correct? 4 apartment on the second floor. 5 5 MR. ZURBRIGGEN: Same set of MR. ZURBRIGGEN: Same objection to 6 6 objections. Detective, you can answer. the last question. 7 7 BY MR. WEST: THE WITNESS: That's correct. 8 8 BY MR. WEST: Q. Now, Officer Scally, when you saw with 9 Q. All right. Do you have any idea why the 9 your own eyes the SWAT Unit members enter Ms. 10 10 officers proceeded to enter this apartment even Alvarado's apartment and you saw the knock and 11 11 after they had rammed the door open and could see announce that they did, was that consistent in 12 12 that there was a naked woman inside? your experience with what normally would be done 13 13 by the SWAT Unit? MR. ZURBRIGGEN: Objection to the 14 form and the characterization. Detective, 14 MR. ZURBRIGGEN: Objection to the 15 15 you can answer if you know. form of the question. Detective, if you 16 THE WITNESS: I don't know anything 16 understand, you can answer. 17 17 THE WITNESS: Yes, it was about all of that. But when they enter, 18 they have their own policies and they have 18 consistent. 19 their own objectives. So if they are going 19 BY MR. WEST: 20 into that, they are going to clear it. I 20 Q. What you saw with regard to knock and 21 21 can only assume that they were looking for announce was consistent with your understanding of 22 the second floor to go upstairs. 22 the policies and procedures of the Philadelphia 23 23 BY MR. WEST: Police Department, correct? 24 Q. Okay. But under the policies and 24 MR. ZURBRIGGEN: Same objection. Page 51 Page 53 1 1 procedures of the Philadelphia Police Department, Detective, you can answer. 2 2 could they continue to enter the property if they THE WITNESS: Yes. 3 knew that the first floor was occupied? 3 BY MR. WEST: 4 4 MR. ZURBRIGGEN: Same set of --Q. Has been captured yet? 5 BY MR. WEST: 5 A. I believe he has. 6 6 Q. - under the warrants that you obtained? Q. When was he captured? 7 7 MR. ZURBRIGGEN: Same set of A. I don't recall. 8 8 objections. Detective, you can answer if Q. Can you give an estimate or 9 9 you can. approximation? 10 10 THE WITNESS: Yes. A. I cannot. 11 11 BY MR. WEST: Q. Was it within the last two months? 12 Q. Okay. And what is your basis of that 12 A. I don't recall. 13 opinion? Where did you learn that or where did 13 Q. Where is he currently? 14 you gain that understanding? 14 A. I don't know. 15 15 A. I'm gaining on officers safety -- not Q. What is your basis for stating that you 16 just officer safety. I can't put myself in the 16 believe he has been captured? 17 mind of those SWAT officers. But they are 17 A. I believe that -- I believe Detective 18 following the first person who is in there. And 18 Graf was notified that he was arrested. I wasn't 19 19 as they are entering the property, it's their duty there for that. But I believe I thought that 2.0 2.0 to clear that property even before they leave it. has been arrested. 21 21 Just for the safety of others. Q. Do you have any other basis for that --22 22 And I do believe that once they realized A. No. 23 23 that there was no second floor access -- and I can Q. -- understanding? 24 only base this on what I saw. I saw after they A. No.

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Page 54 Page 56 1 1 Q. Besides looking at a Google Maps street information that you looked into with regards to 2 2 view of the property from the Torresdale Avenue this investigation. 3 3 entrance and driving by the property from Did any of the investigations, any of the 4 Torresdale Avenue, did you personally do any sort 4 sources of information that you looked into, 5 5 of investigation to ascertain how the building include any person who had ever actually been 6 6 should be entered in order to gain access to the inside of the 4664 Torresdale Avenue property? 7 7 second floor rear apartment? MR. ZURBRIGGEN: Same objection. 8 8 THE WITNESS: No. MR. ZURBRIGGEN: Objection to the 9 form of the question. Detective, if you 9 BY MR. WEST: 10 10 understand, you can answer. Q. Did you make any effort to obtain any 11 11 THE WITNESS: I do understand. Yes. information from anyone who had ever actually been 12 12 BY MR. WEST: inside of the building? 13 13 Q. You did do anything additional --A. No. 14 A. No. No. No. Nothing additional from 14 MR. ZURBRIGGEN: Same objection. 15 15 what you stated. BY MR. WEST: 16 Q. Those two things are the only things you 16 Q. Did you ever obtain a warrant for 17 17 did? You looked at the street view Google Map cell phone? 18 from Torresdale Avenue and you drove by on 18 A. Me personally, no. 19 Torresdale Avenue, correct? 19 Q. Do you believe anyone from the 20 MR. ZURBRIGGEN: Same objection. 20 Philadelphia Police Department did that? 21 21 But Detective, you can answer. A. I don't know. 22 THE WITNESS: Yes. Physically, yes. 22 Q. Is that something that normally should be 23 23 BY MR. WEST: done? 2.4 Q. Is there anything non-physically you did? 24 MR. ZURBRIGGEN: Object to the form. Page 55 Page 57 1 A. The computer checks. Detective, you can answer. 2 2 Q. Okay. Can you tell me everything you did THE WITNESS: If we had the 3 with regards to computer checks? 3 individual's cell phone number. And we 4 4 A. We did, like I said earlier, BMV check would have it -- either we gained that 5 5 and we would do -- the BMV check, gun permit information, we would do a search warrant on 6 6 checks, probationary checks and our real estate the cell phone or we would make sure that if 7 7 check. Other computer searches would be through he wasn't arrested with the search warrant 8 8 Clear and any type of prison release. or arrest warrant, excuse me, we would pass 9 9 Q. Okay. that information on to the fugitive squad 10 10 A. And any other type of arrest for the unit and then they would most likely do a 11 11 address he gave. search warrant on the cell phone. 12 12 BY MR. WEST: Q. In any of these investigations that you 13 13 made, did any of this -- any source of information Q. Did you ever do any sort of search in 14 14 looked at, did any of them involve anybody who had order to ascertain what IP addresses were used? 15 15 actually entered the building? MR. ZURBRIGGEN: Objection to the 16 MR. ZURBRIGGEN: Object to the form. 16 form. Detective, if you know you can 17 Detective, if you understand, you can 17 answer. 18 18 THE WITNESS: I did not. answer. 19 19 THE WITNESS: I did not enter the BY MR. WEST: 20 20 first floor. Q. Is that something that normally would be 21 21 BY MR. WEST: done looking for a homicide suspect? 22 22 Q. Okay. Let me rephrase the question. I A. If we had his computer, I guess we would 23 23 do IP address checks. But not familiar with his think you're misunderstanding what I mean. 24 24 So you have identified various sources of computer.

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Page 58 Page 60 1 1 Q. So, when you're working with the SWAT BY MR. WEST: 2 2 Q. Right. So my question actually might be Unit, what is the relationship between the 3 3 homicide detectives and the SWAT unit with regards a little different than you heard. I want to know 4 to who is supposed to come up reconnaissance to 4 under the policies and procedures of the 5 5 figure out how to carry out a warrant? Philadelphia Police Department, tell me everything 6 6 MR. ZURBRIGGEN: Objection to the that you are supposed to do as the assigned 7 form. Detective, if you know you can detective to determine the physical location of 8 8 explain. apartment. 9 THE WITNESS: Well. I think the 9 MR. ZURBRIGGEN: Same objection. Go 10 10 homicide unit detectives we have our own, ahead. 11 11 you know, processes of identifying the THE WITNESS: So as before like I 12 12 address to hit with SWAT. And then we give said earlier, we go through very -- we go 13 13 that information to SWAT. Like I said through BMV checks, any type of license they 14 earlier, we give copies of everything. And 14 had, any of their arrest records with any 15 15 then they do their own reconnaissance on how address that they have given. We would --16 they are going to operate and serve that 16 like I said earlier, contact -- come up on 17 17 search warrant and arrest warrant. any type of probation, contact -- look on 18 BY MR. WEST: 18 their computer checks about what location 19 Q. Would you expect anyone from the SWAT 19 that they gave to the probation officer. 20 reconnaissance unit to contact the probation 20 If you have opportunity to have that 21 21 officer if a suspect was on probation? other -- Clear computer check, you do that. 22 MR. ZURBRIGGEN: Objection to the 22 So it would be associated computer checks 23 23 form. Detective, if you know. with that. Like prison release as well to 2.4 THE WITNESS: No. 24 establish where the residency is. Page 59 Page 61 1 BY MR. WEST: 1 BY MR. WEST: 2 2 Q. Why not? Q. Right. Now, what if you're contemplating 3 A. It was not part of their investigation. 3 a SWAT Unit enforcement action at a 4 4 Q. All right. So the only people who would multi-residence property, what, if any, policies 5 5 do that would be the detectives, correct? and procedures exist in the Philadelphia Police 6 6 A. Correct. Department to try to make sure that you only go 7 7 Q. All right. So under the policies and into the right apartment? 8 8 procedures of the Philadelphia Police Department, MR. ZURBRIGGEN: Objection to the 9 9 to your understanding, please tell me everything form of the question. Detective, to the 10 10 that you were supposed to do before Ms. Alvarado's extent you can answer and know. 11 11 door was breached in order to determine if you THE WITNESS: Of course. So multi 12 12 dwellings, we would -- that would be on the were at the right place. 13 13 MR. ZURBRIGGEN: Objection to the search warrant, the exact apartment that 14 14 form of the question. Detective, if you would get us into that multi dwelling 15 15 understand you can answer. residence. So the same thing, same computer 16 THE WITNESS: Well, it goes to -- we 16 checks and everything else would lead us to 17 go into the affidavit of probable cause for 17 that. 18 the search warrant for that property. So 18 BY MR. WEST: 19 19 all of the particulars that go into that Q. Right. 2.0 2.0 would be part of the process. Then we go A. That address. 21 21 through the District Attorney's Office, then Q. More specifically, once you have the 22 22 go through -- the magistrate would sign and apartment number and you have the address of the 23 23 approve. The process -- I'm sorry. What building, what, if any, sort of investigation are 24 24 was the beginning of that question, again? you supposed to do under the policies and

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Page 62 Page 64 1 1 procedures of the Philadelphia Police Department Q. Okay. So if you look at the search 2 2 to make sure that you only enter the right warrant -- we will mark this as --3 3 apartment? MR. WEST: We have a document which 4 MR. ZURBRIGGEN: Object to form. 4 is previously marked as Graf-4, but you drew 5 5 Detective, you can answer, if you know. on it. So we will mark that as an exhibit. 6 6 THE WITNESS: Well, that's your That will be Scally-2. 7 7 goal, is to make sure you get into the right 8 8 apartment. And you do those checks to make (Whereupon, Exhibit Scally-2 was 9 sure you have the right apartment or the 9 marked for identification.) 10 10 right dwelling, right residence, to your 11 11 best ability. MR. WEST: And now I am going to 12 12 BY MR. WEST: mark Scally-3, the search warrant. 13 13 Q. Okay. And what specific steps are you 14 supposed to follow under the Philadelphia Police 14 (Whereupon, Exhibit Scally-3 was 15 15 Department policies and procedures to achieve that marked for identification.) 16 goal? 16 17 17 MR. ZURBRIGGEN: Same objection. BY MR. WEST: 18 18 Q. Sir, you can take a moment to review Detective, again, if you know. 19 THE WITNESS: You do any type of 19 that, if you would like. And let me know if you 20 background checks that individual's prior 20 are able to tell us what that is. 21 21 and any time that he has given an address, A. First sheet is the copy of the search 22 what address he has used in the past and 22 warrant, number 242513. 23 23 what address you have currently for that Q. And you were the affiant for this, 24 24 correct? person. Page 63 Page 65 1 BY MR. WEST: 1 A. Correct. 2 2 Q. Would you do any sort of investigation of Q. What does it mean to be the affiant for a 3 the physical layout of the building itself? 3 search warrant? 4 4 MR. ZURBRIGGEN: Object to form. A. I am requesting either an affidavit to 5 Detective, to the extent you understand. 5 become a search warrant, to be able to serve a 6 6 THE WITNESS: It depends on the search warrant on a residence. 7 7 investigation. Q. Okay. And what kind of investigation, if 8 8 BY MR. WEST: any, are you supposed to do pursuant to the 9 9 Q. Why? policies of the Philadelphia Police Department in 10 10 order to submit that sort of affidavit for a MR. ZURBRIGGEN: Same objection. 11 11 THE WITNESS: If you have an search warrant? 12 12 apartment building that has a hundred MR. ZURBRIGGEN: Objection to the 13 13 apartments, then you would have to -- I form. Detective, if you understand, you can 14 14 don't particularly think I would go into answer. THE WITNESS: We would, through the 15 15 there. But you would try to ascertain what 16 16 floor you're going to and then if there is a course of investigation, collect evidence 17 lock on the lobby door, then you would 17 and interviews to make probable cause for 18 attempt to gain access via that way. 18 the affidavit and then submit it for 19 19 BY MR. WEST: approval. 2.0 2.0 Q. Okay. How would you gain that kind of BY MR. WEST: 21 21 information? Q. All right. As I am reading this, it has 22 22 A. You would contact -- in that reference a specific description of the premises to be 23 23 searched. That is a section in here, right? It's you would contact the building management. And 24 24 like -- I am looking at the search warrant -you would request access.

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Page 66 Page 68 1 A. Yeah, the front page. MR. ZURBRIGGEN: Same objection. 2 2 Q. Front page. It's like the third box Detective? 3 down, right? 3 THE WITNESS: I was -- if we 4 A. Correct. 4 received that information originally, then 5 5 Q. And you put on here second floor rear, we would have put that -- that would have 6 6 right? been -- the search warrant would have read 7 7 A. Correct. that second -- you know, second floor 8 8 Q. Prior to putting that on the search apartment in the rear. 9 9 warrant, did you make any effort to figure out BY MR. WEST: 10 what that meant? 10 Q. But is there any other way that you could 11 11 MR. ZURBRIGGEN: Objection to the have received the information other than just 12 12 form. Detective, if you understand, you can asking for it? 13 13 MR. ZURBRIGGEN: Objection to the answer. 14 THE WITNESS: I put rear on there, I 14 form. Detective, if you understand it you 15 recall, because the other address it just 15 can answer. 16 said second floor. And from -- I believe 16 THE WITNESS: No. 17 17 BY MR. WEST: the probation computer check said second 18 floor rear. And so I wanted to be as 18 Q. I mean, there's no way that the probation 19 19 specific as possible, if there was any other and parole officer could have given you that 20 20 apartments on that second floor. So second information unless you asked for it, correct? 21 floor rear we wanted to go that way 21 MR. ZURBRIGGEN: Objection to the 22 22 form. Detective, again, if you know. specifically. 23 BY MR. WEST: 23 THE WITNESS: That's correct. 24 24 BY MR. WEST: Q. Right. Again, you got the address from Page 67 Page 69 1 1 Q. And you knew the name of the owner of the the Probation and Parole Office, right, you just 2 2 said? property, Pajo Mirela, because that's on the 3 A. Yeah, from the computer check. 3 document, right? 4 4 Q. Okay. So why didn't you try to get all A. Correct. 5 of the information available to the Probation and 5 Q. And you didn't make any effort to learn 6 6 Parole Office as far as to what that meant, what from Pajo Mirela what rear meant, did you? 7 7 they meant by rear? MR. ZURBRIGGEN: Same objection. 8 8 MR. ZURBRIGGEN: Objection to the THE WITNESS: Correct. 9 9 form. Detective, you can answer. BY MR. WEST: 10 10 THE WITNESS: I felt like I had the Q. Did you make any effort to learn what 11 11 information that I needed. rear meant in relation to this address? 12 BY MR. WEST: 12 MR. ZURBRIGGEN: Objection; asked 13 13 and answered. Detective, you can answer Q. I mean, in retrospect, they obviously 14 14 were referring to the fact that the entrance was again. 15 15 THE WITNESS: I did not ask anybody through the rear door, right? 16 MR. ZURBRIGGEN: Well, objection to 16 what rear meant. 17 the characterization. Detective, if you 17 BY MR. WEST: 18 18 Q. And you didn't do a surveillance of the know. 19 19 property to figure out if it even had a rear door, THE WITNESS: I was surprised, but 2.0 2.0 yes. correct? 21 21 BY MR. WEST: A. I did not, no. 22 22 Q. Okay. And had you gotten the information Q. And did you rely on anyone else or ask 23 available to you through the Probation and Parole 23 anyone else to do that kind of investigation? 24 Office, you would not have been surprised, right? 24 MR. ZURBRIGGEN: Objection to the

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	Page 70		Page 72
1	form. Detective, you can answer.	1	Q. All right. Could you based on your
2	THE WITNESS: No.	2	training, could you simulate for me the whole
3	BY MR. WEST:	3	process? Like bang, bang, bang, how long you're
4	Q. When the SWAT Unit enters someone's	4	supposed to wait, would you do that now?
5	apartment at six in the morning, is that	5	MR. ZURBRIGGEN: Objection to the
6	dangerous?	6	form. Detective, again, if you know.
7	MR. ZURBRIGGEN: Objection to the	7	THE WITNESS: Do you want me to bang
8	form. Detective, if you know and	8	on the
9	understand, you can answer.	9	BY MR. WEST:
10	THE WITNESS: Yes.	10	Q. Yes. Yes. Pretend you're doing a
11	BY MR. WEST:	11	A. So
12	Q. Why is that dangerous?	12	Q. You can just bang on the door. However
13	A. Because you're going the officers are	13	you feel it would be best. Pretend here is how
14	going into the unknown.	14	I will ask you to do it. Pretend you're teaching,
15	Q. And from the perspective of the resident	15	based on your training, other members of the
16	inside of the apartment, they also are dealing	16	Philadelphia Police Department how to do a knock
17	with an unknown situation, aren't they?	17	and announce. Could you please demonstrate for
18	MR. ZURBRIGGEN: Same objection for	18	us?
19	the record. Detective, if you know.	19	MR. ZURBRIGGEN: Objection. But
20	THE WITNESS: I don't think so as	20	THE WITNESS: That wouldn't be in my
21	much. Because the way that our SWAT	21	purview.
22	officers do their knock and announce, it's	22	MR. ZURBRIGGEN: If you will indulge
23	pretty aggressive.	23	us, Detective.
24	BY MR. WEST:	24	THE WITNESS: That would never be in
	Page 71		Page 73
1	Q. Okay. Tell me all about that.	1	
	(·)		my burview. I don't feel comfortable doing
2	A. They are very loud and they do a lot of	2	my purview. I don't feel comfortable doing that. That is their safety as well.
2	A. They are very loud and they do a lot of banging.	2 3	that. That is their safety as well. BY MR. WEST:
	A. They are very loud and they do a lot of banging.Q. How much?		that. That is their safety as well.
3	banging.	3	that. That is their safety as well. BY MR. WEST:
3 4	banging. Q. How much?	3 4	that. That is their safety as well. BY MR. WEST: Q. Okay. Yes. Could you demonstrate for us
3 4 5	banging. Q. How much? A. They do at least three times. I know	3 4 5	that. That is their safety as well. BY MR. WEST: Q. Okay. Yes. Could you demonstrate for us how you do a knock and announce?
3 4 5 6	banging. Q. How much? A. They do at least three times. I know they bang it's been my experience on the same street they bang at least three times. Then they scream what they are there for, search warrant or	3 4 5 6	that. That is their safety as well. BY MR. WEST: Q. Okay. Yes. Could you demonstrate for us how you do a knock and announce? MR. ZURBRIGGEN: Objection for the
3 4 5 6 7	banging. Q. How much? A. They do at least three times. I know they bang it's been my experience on the same street they bang at least three times. Then they scream what they are there for, search warrant or arrest warrant. They bang again and scream it	3 4 5 6 7	that. That is their safety as well. BY MR. WEST: Q. Okay. Yes. Could you demonstrate for us how you do a knock and announce? MR. ZURBRIGGEN: Objection for the record. Go ahead, Detective. THE WITNESS: Do you want me to demonstrate on the wall or the door over
3 4 5 6 7 8	banging. Q. How much? A. They do at least three times. I know they bang it's been my experience on the same street they bang at least three times. Then they scream what they are there for, search warrant or arrest warrant. They bang again and scream it again. And they bang it again and they scream it	3 4 5 6 7 8	that. That is their safety as well. BY MR. WEST: Q. Okay. Yes. Could you demonstrate for us how you do a knock and announce? MR. ZURBRIGGEN: Objection for the record. Go ahead, Detective. THE WITNESS: Do you want me to demonstrate on the wall or the door over here or?
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3 4 5 6 7 8 9 10 11 12 13	banging. Q. How much? A. They do at least three times. I know they bang it's been my experience on the same street they bang at least three times. Then they scream what they are there for, search warrant or arrest warrant. They bang again and scream it again. And they bang it again and they scream it again and then they hit. Q. All right. And these bangs, these are separated by time? Like bang, bang, bang, wait;	3 4 5 6 7 8 9 10 11 12 13	that. That is their safety as well. BY MR. WEST: Q. Okay. Yes. Could you demonstrate for us how you do a knock and announce? MR. ZURBRIGGEN: Objection for the record. Go ahead, Detective. THE WITNESS: Do you want me to demonstrate on the wall or the door over here or? BY MR. WEST: Q. Anywhere you like. A. Okay.
3 4 5 6 7 8 9 10 11 12 13 14	banging. Q. How much? A. They do at least three times. I know they bang it's been my experience on the same street they bang at least three times. Then they scream what they are there for, search warrant or arrest warrant. They bang again and scream it again. And they bang it again and they scream it again and then they hit. Q. All right. And these bangs, these are separated by time? Like bang, bang, bang, wait; bang, bang, bang, wait?	3 4 5 6 7 8 9 10 11 12 13 14	that. That is their safety as well. BY MR. WEST: Q. Okay. Yes. Could you demonstrate for us how you do a knock and announce? MR. ZURBRIGGEN: Objection for the record. Go ahead, Detective. THE WITNESS: Do you want me to demonstrate on the wall or the door over here or? BY MR. WEST: Q. Anywhere you like. A. Okay. Q. Just give the camera a moment. Okay.
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19 (Pages 70 to 73)

Page 74 Page 76 1 1 BY MR. WEST: And that puts these guys in grave danger 2 2 Q. Okay. If it was six in the morning and where we have had in the past couple years -- in 3 3 you were in bed, do you think five to six seconds fact, just a couple of months ago we had three 4 would be enough time for you to answer your door? 4 officers shot, SWAT officers were shot. Luckily 5 MR. ZURBRIGGEN: Objection for the 5 none of them were killed. But at least three of 6 6 record. Detective, if you know, you can the officers were shot. 7 7 answer. A couple of years ago we had another 8 8 THE WITNESS: It would have woken me officer shot in the head and he was killed, SWAT 9 9 up. I have seen people answer the door in officer. A year prior to that, six months prior 10 10 the past prior to them going in. But I to that, my -- good friend of mine's brother was 11 11 think it's all about where you're sleeping shot in the head in his kevlar helmet. He was 12 12 in the house. But the knock and announce is part of the SWAT Unit. So every time you knock on 13 13 really for that homeowner's safety as well. that door, you're telling somebody in there we are 14 But I think it does put our guys in 14 coming. 15 15 jeopardy. Q. Okay. And in your experience, is that a 16 But that being said, if you're on 16 generally held view in the Philadelphia Police 17 17 the third floor in the bedroom, back rear Department that the knock and announce places 18 bedroom, you're not going to get down to the 18 officers in danger? 19 front to be able to open the door. 19 MR. ZURBRIGGEN: Objection to the 20 BY MR. WEST: 20 form of the question. Detective, to the 21 21 Q. Okay. However, do you believe that five extent that you know. 22 to six seconds would give someone inside of the 22 THE WITNESS: No. 23 23 house a reasonable opportunity to voluntarily open MR. WEST: Okay. It's about 2:20. 24 the door and surrender the premises? 24 I'm not sure if I have more questions. I Page 75 Page 77 1 would like a chance to review my notes. Why MR. ZURBRIGGEN: Objection to the 2 2 form of the question. Detective, you can don't we take like a 10 minute break? 3 answer. 3 THE WITNESS: That's fine. 4 THE WITNESS: Yes, because I have 4 THE VIDEO OPERATOR: Going off the 5 5 seen it in the past. record at 2:16 p.m. 6 6 BY MR. WEST: 7 7 Q. Okay. Could you get out of your bed and (Whereupon, a brief recess was 8 8 open the door within five to six seconds? taken.) 9 9 MR. ZURBRIGGEN: Objection to the 10 10 THE VIDEO OPERATOR: Going back on form. Detective, you can answer. 11 11 THE WITNESS: Yes. the record at 2:21 p.m. 12 BY MR. WEST: 12 BY MR. WEST: 13 13 Q. Okay. You said it puts your guys in Q. Yeah, I just -- I don't have a lot more 14 14 danger, what do you mean by that? questions for you, Detective. But in the search 15 15 warrant that you obtained, it was specifically for A. Well, when you're knocking on the door 16 and you're waking people up and you're telling 16 the second floor apartment, right? 17 them that you're coming in with a search warrant. 17 MR. ZURBRIGGEN: Objection to the 18 And if you're -- if you have a gun, you will be 18 form. Detective? 19 19 THE WITNESS: Yes. able to have your gun be ready. If you have any 20 2.0 type of evidence, you will have an opportunity to BY MR. WEST: 21 21 get rid of that evidence. Especially for the Q. As you were doing your investigation in 22 22 anticipation of the SWAT Unit enforcing this safety of the officers, because you're literally 23 23 warrant, did you make any effort whatsoever to telling them we have a search warrant and you 24 24 learn who was living on the first floor? know, we are coming into that house.

20 (Pages 74 to 77)

	Page 78	Page 80
1	A. I personally did not.	that I have any further questions for you.
2	Q. Did is there anyone else who would	2 MR. ZURBRIGGEN: Just one question
3	have done that besides you?	just for I think to make the record
4	MR. ZURBRIGGEN: Objection to the	4 absolutely clear.
5	form. Detective, if you know.	5
6	THE WITNESS: Maybe Detective Graf.	6 EXAMINATION
7	He would have told me or we would have	7 EAAMINATION
8	let me see how I would have found that out.	
9	If they are registered we used to be able	DI VIII. ZURDRIGGEN.
10	to look at voter registration. We are not	Q. Betechve, you were asked a question
11	allowed to look at that, we don't have that	about I think this was marked. It's Graf-6,
12	access anymore. That is how we used to find	these notes. Had you seen these before the
13	out. That is another way we would have	warrant was executed on June 4th, 2021?
14	found out who is living there. But other	13 A. No.
15	than that, no.	MR. ZURBRIGGEN: Okay. That's all I
16	BY MR. WEST:	have, Keith, unless you have any follow-up
17		on that.
18	Q. But so far as you're aware, prior to Ms.Alvarado's front door being breached on June 4th,	17
19	2021, related to this warrant enforcement action,	18 EXAMINATION
20	no effort was made by the Philadelphia Police	19
21	Department to figure out who was living on the	20 BY MR. WEST:
22	first floor, correct?	Q. Yeah. I guess my follow-up would be, do
23	MR. ZURBRIGGEN: Objection to the	you think it would be a good idea if you guys
24	form. Again, Detective, if you know.	started coordinating with the Probation and Parole
	Torni. Again, Detective, if you know.	Office to try to share information?
	Daga 70	Da = 0.1
	Page 79	Page 81
1	THE WITNESS: That is from my	¹ MR. ZURBRIGGEN: Objection to form.
2	THE WITNESS: That is from my knowledge, that's correct.	1 MR. ZURBRIGGEN: Objection to form. 2 THE WITNESS: I would love to share
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2 3 4	THE WITNESS: That is from my knowledge, that's correct. BY MR. WEST: Q. Okay. What, if any, effort did you make	1 MR. ZURBRIGGEN: Objection to form. 2 THE WITNESS: I would love to share 3 information with the probation department. 4 But they seem not to be very shareable with
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21 (Pages 78 to 81)

Page 82 Page 84 1 1 would have to give us this. And they -- I But in all my time, many years, I've 2 2 don't believe they would give us this. You never been offered something like this. But 3 know, we would love to have all of the 3 as a confidentiality, I just assume that is 4 information we possibly could from 4 why they don't want us to come to their 5 everybody. But there might be some type of 5 place and -- to make an arrest in their 6 confidentiality issue with getting this type 6 building. 7 of report given to us. So that is something 7 BY MR. WEST: 8 that would have to be done with probation 8 Q. I wrote a note -- not to ask you the same 9 and parole. 9 question, I just can't find my note. Just remind 10 BY MR. WEST: 10 me again, how many years have you been a homicide 11 Q. What --11 detective? 12 A. But I've never seen this. I've only seen 12 A. 18. 13 this at the juvenile level. But I've never seen 13 Q. Okay. In the 18 years that you have been 14 at the adult level. 14 a homicide detective with the Philadelphia Police 15 Q. What confidentiality would apply to the 15 Department, have you ever specifically requested 16 probation records of a homicide suspect? 16 from the Probation and Parole Office the records 17 MR. ZURBRIGGEN: Objection to the 17 of the home inspection of a suspect who had been 18 form. Detective, if you know the ins and 18 on probation? 19 outs of confidentiality, go for it. 19 MR. ZURBRIGGEN: Object to the form 20 BY MR. WEST: 20 of the question. Detective, you can answer. 21 Q. Are you aware -- let me rephrase the 21 THE WITNESS: Not all of our 22 question. 22 homicide suspects are on probation. But 23 Are you aware of any confidentiality rule 23 those that have been. I never asked for 24 that would prevent a homicide detective from 24 that. Page 83 Page 85 1 1 MR. WEST: Okay. No further gaining access to the probation records of a 2 2 homicide suspect? questions. 3 3 MR. ZURBRIGGEN: And just while we MR. ZURBRIGGEN: Same objection. 4 4 Detective, go for it. are on the record, just to designate, at 5 5 least until we can figure out what is going THE WITNESS: I have never been --6 6 on with Mr. I will designate the confidentiality, I believe that they 7 7 would -- I don't know what their policies portions of the record as confidential under 8 8 are. So I can't comment on what their the confidentiality order, unless and until 9 9 policy is. But if the information that we we modify that. 10 10 THE VIDEO OPERATOR: Okay. Going requested in the past or I have never --11 11 they never said here, I have this whole -off the record at 2:29 p.m. 12 12 every contact with this person. They never 13 13 offered this report or anything like this. (Whereupon, the videotaped 14 Normally our conversation is, you 14 deposition concluded at 2:29 p.m.) 15 15 know, does come to see you; is there any 16 16 warrants for him. And what would -- you 17 know, I already know -- at that point I 17 18 already know what address they use, because 18 19 19 it's on their -- on the computer checks 2.0 2.0 through the probation department. But these 21 21 are notes -- these are specific notes that 22 22 probably goes to the next probation officer 23 23 so they knew when to go -- how to go to the 24 24 house.

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1	CERTIFICATION	
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4	I hereby certify that the	
5 .	proceedings and evidence noted are contained	
6	fully and accurately in the notes taken by	
7	me on the deposition of the above matter,	
8	and that this is a correct transcript of the	
9	same.	
10	ROTCA	
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19	(The foregoing certification of this transcript does not apply to any	
20	reproduction of the same by any means,	
21	unless under the direct control and/or	
22	supervision of the certifying reporter.)	
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